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CALCUTTA

Proceedings of the Council

OF THE

LIEUT.-GOVERNOR OF BENGAL

FOR THE PURPOSE OF

MAKING LAWS AND REGULATIONS.

Index to Vol. XXX.

JANUARY TO DECEMBER, 1898.

Published by Authority of the Council.

Calcutta:

BENGAL SECRETARIAT PRESS.

1899.

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FOR THE PURPOSE OF

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T. N. R.—Reg. No. 6031J—300—18.2.99.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 26th February, 1898.

Present:

The Hon'ble SIR ALEXANDER MACKENZIE, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.
The Hon'ble C. W. BOLTON, C.S.I.
The Hon'ble W. H. GRIMLEY.
The Hon'ble J. G. H. GLASS, C.I.E.
The Hon'ble H. H. RISLEY, C.I.E.
The Hon'ble RAI DURGA GATI BANERJEA, BAHADUR, C.I.E.
The Hon'ble J. PRATT.
The Hon'ble G. TOYNBEE.
The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble M. FINUCANE, C.S.I.
The Hon'ble A. H. WALLIS.
The Hon'ble SAHIBZADA MAHOMED BAKHTYAR SHAH, C.I.E.
The Hon'ble M. C. TURNER.
The Hon'ble NORENDRA NATH SEN.
The Hon'ble KALI CHARAN BANERJEE.
The Hon'ble SURENDRANATH BANERJEE.

DISTRICT AND SESSIONS JUDGE FOR KHULNA.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

I have the honour to ask whether the attention of the Government has been called to the serious public inconvenience which is caused by there not being a separate District and Sessions Judge for the district of Khulna?

Whether it is the case that when Khulna was formed into a separate district, the Secretary of State sanctioned the appointment of a separate District and Sessions Judge for Khulna, and whether or not, on a reference being made to the High Court, the Commissioner of the Division and the District

Judge of Jessore, who performs the duties of District Judge for Khulna, these authorities recommended the appointment of a separate District Judge for Khulna?

Whether or not, in consequence of the Sessions Judge of Jessore being also Sessions Judge of Khulna, the Sessions cases are often tried many months after the occurrences to which they refer, and the interests of justice thus suffer, and for the same reason persons who after trial are found not guilty, have to remain in *hajat* for months together, and criminal appeals are not disposed of in time, although the District Judge is a very hardworking officer?

Having regard to these considerations, will the Government be pleased to sanction the appointment of a separate Judge for the district of Khulna?

The Hon'ble MR. BOLTON replied:—

"A general reply may be conveniently given to the Hon'ble Member's questions. The present arrangement in regard to the district of Khulna causes inconvenience and delay in the disposal of judicial work. When Khulna was constituted a district in 1882, the civil and criminal jurisdiction was vested in the District and Sessions Judge of Jessore. In 1891 work having increased in Backergunge, Dacca and Jessore-Khulna, an Additional Judge was appointed for those districts, to which Mymensingh was added in 1893. The relief thus given has, however, been found inadequate, and a recommendation with the object of increasing it has been made to the Government of India, who have called for a further report. Khulna itself would not provide sufficient employment for a separate District and Sessions Judge. It should continue to form with Jessore one Sessions Division, and provision should be made for further assistance to both the Judge of that Division and the Judges of the other districts named."

THE CYCLONE AT CHITTAGONG.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Will the Government be pleased to state what was the total number of (*a*) human lives, (*b*) cattle, and (*c*) houses destroyed by the late cyclone and the storm-wave, respectively, in the district of Chittagong?

What sum of money has been spent in the areas affected in giving relief in food, &c., and in the re-building of houses, and from what sources these funds have been supplied?

The Hon'ble MR. FINUCANE replied:—

"The number of human lives lost in Chittagong is reported to be about 14,000.

"The number of cattle lost is estimated by the Collector at 15,000. The number of houses destroyed is not known.

"A sum of Rs. 65,000 has been placed at the disposal of the local officers for the relief of distress, of which Rs. 50,000 was given from the funds of the Provincial Charitable Relief, and the rest was made up by other subscriptions. Of this Rs. 30,899 was expended up to the middle of January. Rs. 50,000 have been sanctioned by Government for advances under the Agricultural Loans Act, and a sum of one lakh of rupees for loans under the Land Improvement Act. Of this latter sum, Rs. 85,162 was distributed up to January last. Rs. 10,000 have been sanctioned for giving employment in digging tanks, and Rs. 30,000 will be expended in repairs to the Kutubdia embankment during the remainder of the current financial year 1897-98. Relief has also been given in the shape of remission of tolls on timber and thatching-grass for building houses."

REMISSION OF FOREST TOLLS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Will the Government be pleased to state whether the facts, stated in the Chittagong newspaper *Jyoti*, in its issue of the 27th January, with regard to the partial remission of forest tolls, are correct? What loss of revenue has Government suffered by the remission of half the rates of these tolls on building materials for two months as compared with the average of the previous three years? Whether February and March are not the two months when bamboos, canes, and especially thatching-grass are largely brought down from the hills and when the houses are usually re-built, and whether the period of remission will cover these two months?

[*Mr. Finucane; Babu Surendranath Banerjee; the President.*]

The Hon'ble MR. FINUCANE replied:—

"Government has not before it a copy of the newspaper *Jyoti*, which, it is understood, has been recently started, and is not aware what the alleged facts referred to by the Hon'ble Member, are. Under a Government order of the 6th November, the tolls on grass, bamboos, canes and certain kinds of timber taken from the Government forests in Chittagong were reduced to half rates for the period of two months, a concession which, as regards timber, was, at the instance of the local officers, extended by an order of 11th January for two months more in the areas affected by the storm-wave, *i.e.*, in Jaldee, Chakaria, Kutubdia, and Moheskal, and for one month as regards thatching-grass in the three southern tehsils. The loss to Government on account of the reduction of the forest tolls to half rates is estimated at about Rs. 25,000."

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether any loss that Government is likely to suffer by this remission of half the rate of tolls is not likely to be wholly or partially recouped by the considerably larger importations of building materials due to the wholesale destruction of houses by the cyclone?

The Hon'ble MR. FINUCANE replied:—

"It is anticipated that the loss to some extent may be recouped in the way suggested in the Hon'ble Member's question."

STATEMENT OF THE COURSE OF BUSINESS.

The Hon'ble The President said:—"In welcoming the Members back to work, I must preface what I have to say as to the business likely to be brought before them by extending a hearty greeting to the new members who have joined the Council since it last met. I trust that the Council will maintain its old reputation of being a business-like and practical body, where more weight is attached to experience and brevity than to lengthy speeches, however able and interesting.

"The first measure that I must mention is the Bill for amending the Bengal Tenancy Act. The opinions of the officers and Associations that were

consulted upon the Bill as introduced were duly received. A good deal of opposition was raised by the Landholders' Associations and by Judicial officers to the proposal to abolish the Civil Procedure Code in the settlement of rents of permanently-settled estates, and to confer on the Revenue authorities the power of finally determining what are fair and suitable rents in such estates. On considering these objections, I addressed the Government of India in the following terms:—

'The Government of India are aware that one of the Lieutenant-Governor's main reasons for making the proposal to withdraw the judicial procedure in the settlement of rents both in permanently-settled and temporarily-settled estates was that the observance of that procedure was thought to be cumbrous, dilatory and unnecessarily expensive.

'When a settlement of revenue is undertaken in temporarily-settled estates in Bengal, fair rents must be settled for all tenants of all classes, whether they or their landlords apply for a settlement of rents or not, the fair rents so settled being made the basis of the revenue demand, and the entire cost of such settlement being borne by Government. For this reason the adoption of a cumbrous and dilatory procedure entails unnecessarily large expenditure by Government; and it was partly with a view to remedy this evil that Sir Charles Elliott suggested, and Sir Alexander Mackenzie accepted the suggestion, to transfer the settlement and final determination of fair rents in temporarily-settled estates to the Revenue authorities, and to substitute for the Civil Procedure Code in the settlement of rents the procedure proposed in the Bill introduced in the local Legislative Council. His Honour thought that the procedure proposed by him would be less expensive and more efficient than that prescribed in the Bengal Tenancy Act. But as it had been conceded at the time the Tenancy Act was passed that Government claimed no facilities for the enhancement of rents in its own estates, or in estates under settlement of revenue which it was not prepared to give to proprietors of permanently-settled estates also, Sir Alexander Mackenzie thought it right to offer to these proprietors the same methods and procedure for settlement of rents in their estates that he proposed for adoption in Government and temporarily-settled estates.

'As, however, the proprietors of permanently-settled estates prefer the Civil Procedure Code and the method of settling rents prescribed in Chapter X of the Bengal Tenancy Act as it stands, the Lieutenant-Governor sees no reason to press on them against their consent what he believes would be a more efficient and less expensive procedure. In permanently-settled estates rents are settled only on the application of the parties concerned, who have to pay the cost. If they prefer the more expensive procedure prescribed in the Act with the guarantees which they think are afforded by appeals to the Judicial instead of to the Revenue authorities, there is no reason why their opposition should be courted by forcing on them a more summary and less expensive method of settling rents.

[*The President.*]

'As regards Government and temporarily-settled estates, the case is different. In the first place, as already remarked, rents have in these cases to be settled on a great scale at the expense of Government, and Government alone suffers the loss entailed by dilatory proceedings; in the next it has always been admitted that Government is the sole arbiter of the amount of land revenue which may be equitably demanded; and as that amount depends on the amount of the rents or assets on which it is based, it necessarily follows that the superior Revenue authorities and not the Civil Courts should be the final authorities for the determination of fair rents where a settlement of revenue is being made or about to be made; and lastly there are indications in the reports received that while the High Court and the Landholders Associations are strenuously opposed to the transference to the Revenue authorities of the final determination of fair rents in the case of permanently-settled estates, there would certainly be less and possibly no serious opposition to such transference in the case of estates under settlement of land revenue.

'For these reasons His Honour the Lieutenant-Governor proposes to adhere to the principles of the Bill for the settlement of rents and decision of disputes as regards areas under settlement of land revenue, and to adopt the principles of Chapter X of the Act as it stands in the settlement of rents and decision of disputes in the case of permanently-settled estates, while at the same time removing the doubts and difficulties which have arisen in the interpretation of that chapter owing to conflicting or erroneous judicial decisions. The Lieutenant-Governor also proposes, as regards temporarily-settled and permanently-settled areas alike, to adhere to the amendments in the substantive law relating to the enhancement and reduction of rents already approved by the Government of India.

'If the Supreme Government accept these proposals, His Honour would briefly explain them in referring the Bill to a Select Committee, and leave the Committee to formally embody them in the Bill.'

"Scarcely had that letter issued when the following letter was received from the British Indian Association:—

'Dated Calcutta, the 11th January, 1898.

From—RAI RAJ KUMAR SARVADHIKARI BAHADUR, Secretary, British Indian Association,

To—The Secretary to the Government of Bengal, Revenue Department.

IN continuation of my letter No. 283, dated 11th June, 1897, containing the opinion of the Committee of the British Indian Association on the provisions of the Bill to amend the Bengal Tenancy Act which is now before the Bengal Legislative Council, I am directed by the Committee to state that they have reconsidered their representation to Government regarding the proposed procedure for the settlement of rents, the withdrawal of the jurisdiction of the Civil Courts in the matter, and the vesting of such jurisdiction in the Revenue authorities. Since my letter was forwarded to you, the Committee have had the advantage of receiving important communications on the subject from several mufassal members of the

[*The President.*]

Association, who are of opinion that the proposal for the alteration of the procedure for the settlement of rent, and the transfer of the right of appeal on questions relating to the fixing of rents from the Special Judge to the Revenue authorities, has much to commend it, and that they are inclined to think that the proposed change will be an improvement upon the existing procedure. My Committee have carefully reconsidered the question in the light of the facts and arguments placed before them by the mufassal members of the Association, with the result that their views have undergone considerable modifications. Under the circumstances, the Committee are of opinion that they will best serve the interests of the class they represent by withdrawing the objections advanced in paragraph 4 of my letter, to which reference has been made above. They submit that private landlords should be in the same position as the State, and that the procedure proposed for the settlement of rents in Government estates should be open to all private landlords.

'If, however, the Government does not see its way to adhere to the original principle of the Bill in its entirety, the Committee would venture to suggest that, in cases where the settlement of the rate of rent is likely to affect a large area or the interests of the majority of the raiyats in a village, it shall be incumbent upon the Civil Court to refer such cases to an experienced Revenue officer for local investigation and report, and that the finding of the Revenue officer on the question of liability to enchancement and on the rate of rent be made binding on the Civil Court. What the Committee desire is that the Civil Court shall adjudicate in accordance with the report of the Revenue officer, and that appeals from the Civil Court shall be disposed of by the Special Judge who may be appointed for the purpose.'

"Satisfactory in one way as this change of front is, I thought it did not do away with the weight of adverse opinion originally received, and I informed the Government of India that I adhered to my letter above quoted, but would leave the Select Committee to discuss the proposal in the last paragraph of the Association's letter. The Government of India and the Secretary of State have accepted my suggestion, the Government of India remarking:—

while the Government of India have accepted the recommendations of the Government of Bengal, they fear that they may not prove to be in the best interests of landlords and tenants, and believe that both classes will eventually recognize that this is so.

'The principal ground for the change of policy was the opposition of the landlord class to the executive fixation of rents. There is no reason why the interests of Government should be prejudiced on this account, and the amended Bill should provide for the retention of the procedure for executive rent adjustment in the case of all Government estates as well as in the case of temporarily-settled areas under settlement.'

"The Secretary of State's Orders are—

'I have no objection to proposed compromise, provided original Bill is maintained as far as concerns temporarily-settled tracts during settlement.'

[*The President.*]

"We have re-cast the Bill accordingly. The measure, as originally introduced will be referred to a Select Committee which will be invited to recast the Bill on the lines now approved by higher authority.

"Correspondence has been going on between this Government, the Government of India, and the Government of the North-Western Provinces with reference to certain proposed amendments of the Court of Wards Act. I am not, however, yet in a position to explain the scope of the intended legislation. I hope to have the preliminary discussions finished in time to introduce the measure some time this session. One main object of the Bill will be to place persons with a life interest only, or holding as executors, administrators, or trustees, on the same footing as beneficial owners so far as the Court of Wards is concerned. It is anomalous that a person who would be disqualified if he were a beneficial owner, should be treated as qualified if he be an executor or trustee.

"Passing from the Land Revenue to the Municipal Department, we hope to lay before you very shortly an elaborate Bill for reforming the Municipal Law of Calcutta.

"The necessity of legislation was originally urged upon us for the purpose of enabling the Commissioners to recover license tax from certain companies which now escape payment, and in order to supply an omission in section 237 of the Act which renders it impossible for the Corporation to exercise effective control over alterations in buildings. Since the amendment of the law with regard to these points was decided on, facts were brought to light in connection with the alarm of plague in Calcutta, which showed that the present constitution of the Municipality is ill-adapted to stand the strain of a grave and sudden emergency, and fails to secure the prompt and continuous executive action which is necessary in view of the fact that the sanitation and conservancy of the great Indian maritime cities has now become a matter of international concern. In point of fact under the present law there is no Municipal constitution at all in the proper sense of the word. Everything is fluid and indefinite. The Act vests in the Commissioners all powers whether they are such as a large deliberative body can properly exercise or not; but it allows the Chairman to exercise all the powers vested in the Commissioners, except those reserved to the Commissioners in meeting, subject to such limitations

[*The President.*]

and conditions as may be imposed, before or after he has acted under this power, by a resolution of the Commissioners. It further confers an unlimited power of controlling the Chairman by the action of Committees. By thus failing clearly to define the powers of the Executive, the Act renders it impossible to say as regards any given matter in what part of the Corporation the Executive resides or indeed whether there is any Executive at all. The consequences have been what might have been expected—a complete breakdown of the conservancy of the town at a critical period and serious confusion in many other departments of the municipal administration, without the possibility of determining with any approach to certainty where the responsibility for such a state of things lies.

"It was felt that it would be unfair to the Commissioners as a body, no less than to the Chairman and the heads of the Departments under him, to expect them to carry on the administration of the city under the altered conditions arising from the danger of the plague and the threatening attitude of European powers with a machinery so ill-adapted for its purpose, and the Government of India have accepted the opinion that material changes in the municipal constitution of Calcutta are called for. The proposals of this Government which were embodied in a provisional sketch of the amended law have been submitted to the Secretary of State, and as soon as his sanction is received, a complete Bill which is now under preparation will, after receiving the formal sanction of the Government of India, be introduced into this Council. I may mention that I found, when at home on leave, that a keen interest is taken in this measure by the Secretary of State personally, by the commercial community at home and many Home authorities, who consider that a reform is called for without unnecessary delay. My proposals have met with the general approval of the Government of India. We are awaiting the orders of the Secretary of State (telegraphic intimation of his assent has just been received), and we shall then do our best to get the measure passed after a reasonable amount of discussion and consideration. The Bill is a large and, I hope, very complete measure, and deals with all branches of the administration of the city. It leaves untouched the number of Commissioners and the existing methods of electing and appointing them. While it reforms the procedure for election, which is admitted by every one to be defective, it does not alter the franchise, nor does it reconstruct the present arrangement of wards. It provides the Corporation

with an efficient executive and interposes between the main body of the Commissioners and the Chairman a working Committee of twelve, elected and appointed so as to represent the three chief interests in Calcutta—the Government, the commercial community and the residents. We have made use of the experience of Bombay which Mr. Risley was specially deputed to examine on the spot. The functions of the three Municipal authorities—the Corporation, the General Committee, and the Chairman—are precisely defined and carefully distinguished. To the Corporation is reserved the power of fixing the rate of taxation, of passing the Budget and of deciding all the large issues which can properly be discussed by a deliberative assembly of 75 members. The Chairman, as in the Bombay Act, is vested with all executive power, to be exercised, as is laid down in each case, either independently or subject to the approval or sanction of the Corporation or the General Committee as the case may be. The General Committee as the working body of the Municipality stands between the deliberative and Executive authorities and deals with those matters which by their nature are ill-adapted for discussion by the Corporation, and yet are too important to be left to be disposed of by the Chairman alone. Power is taken for the General Committee to appoint Sub-committees, on which I hope to see all the real workers among the Commissioners utilised. When the Bill is introduced and referred to a Select Committee, the distribution of powers between the Municipal authorities will be a matter requiring careful discussion, but there can be no doubt that the principle of distributing powers somewhat in the manner proposed is essential to the smooth and efficient working of the municipal constitution.

"One great advantage from the proposed change in the constitution is that I have reason to believe that the European community of Calcutta will, if it is accepted, no longer stand aloof from the Corporation, acting generally as hostile and not always well-informed critics, but will (as Kristo Das Pal hoped in 1876) take their fair share in municipal work and responsibilities.

"The remaining provisions of the Bill are of less general interest, and will be explained when the measure is introduced. Mr. Risley has been for some weeks past on special duty in connection with the Bill, preparing it Chapter by Chapter in communication with our Assistant Secretary and other competent advisers for my orders. I have been over it again and again section by section, and it is in my judgment a measure which will be

welcomed by all who have at heart the interests of Calcutta and the trade of Upper India.

"The Bill embodies such of the suggestions of Mr. Justice Trevelyan's Building Commission as could properly come within the scope of a Municipal Bill, and I take this opportunity of heartily thanking Mr. Trevelyan and his colleagues for the time and trouble they have bestowed on the important matters referred to them.

"The question of opening up the unhealthy and congested areas in Calcutta, in some of which 75 per cent. of the space is occupied by solid masonry, is a very difficult one, and no attempt has been made to deal with it in this Bill. A well-considered scheme for meeting a similar difficulty is now under discussion in Bombay, and a Bill for giving effect to it has been introduced into Council there. It seems probable that whatever action may be taken hereafter in Calcutta will have to proceed on the same general lines, that is to say, a special Commission or Trust will have to be formed, and funds will have to be placed at their disposal. Where are the funds to come from? In Calcutta there is no land for the Government to make over for the Trust to manage and improve and thus convert it into a valuable asset on the security of which money may be borrowed and applied to the formation of new streets. The only alternative seems to be the imposition of some tax which might be administered by the Trust and might form the basis of their financial operations. Several suggestions of this kind have been made by the Building Commission presided over by Mr. Justice Trevelyan, the report of which will be published as soon as the Municipal Bill is introduced into Council. Each of these suggestions raises large economic questions on which wide differences of opinion may exist, but there can be no doubt that unless some means of raising funds can be devised, the prospect of improving the congested areas of Calcutta must be indefinitely deferred.

"Then we have a Bill to amend the Excise Act. The Bill has been approved of by the Government of India subject to certain modifications which we have now referred to the Board of Revenue. It ought to be ready for introduction by July.

"The existing Excise Law [Bengal Act VII of 1878] has been in force for nearly 20 years, and like most measures of that kind, which deal with administrative arrangements liable to change from time to time, stands in

[*The President.*]

need of amendment on a variety of points, some of which have been met by the amending Acts IV of 1881 and I of 1883. The main objects of amending it at the present time are to carry into effect the policy adopted by the Local and Imperial Governments in respect of—

(1) the introduction into Bengal of the Madras system of levying a revenue on tari by taxing the trees tapped for the purpose of drawing tari for sale as an intoxicant;

(2) the export of exciseable articles, including ganja, on payment of excise duty; and

(3) the improvement of the provincial system of excise in regard to hemp drugs in accordance with the recommendations of the Indian Hemp Drugs Commission in so far as they have been accepted by the Government of India.

"The opportunity has been taken of consolidating and re-arranging its provisions so as to follow the general form and arrangement of the Excise Act, 1896. After introduction the Bill will be circulated for the opinions of district officers and public bodies.

"Next there is the Bill to amend the Salt Act. This Bill was published on the 17th July last under Rule 34 of the Council Rules and was circulated for opinion. All the opinions but one (that of the Indian Association) have been received. The objects of the Bill are as stated in the first paragraph of the Objects and Reasons. The necessity for taking power to control the possession of salt-earth was forced upon us by the discovery of the existence in the 24-Parganas of an elaborate system of manufacturing illicit *panga* salt for sale, involving a loss of revenue which is estimated by different observers at 2 lakhs and 6 lakhs a year. There is also some reason to believe that illicit manufacture of the same kind exists, though not on so large a scale, in parts of Midnapore. The Bill has been circulated, and the opinions received, which are on the whole favourable, are being considered. It is probable that some of its provisions may be modified with the object of making it more clear that it is directed at the manufacture of illicit salt in large quantities for sale and not at petty domestic manufacture for family consumption.

"Although the Bill has not yet passed into law, we resumed charge of the salt administration of Orissa on the 1st October last, and the Salt officers there

[*The President.*]

are working under the Collectors there in accordance with the provisions of Act XII of 1882, the Northern India Salt Act, which is in force.

"In the other saliferous tracts Bengal Act VII of 1864 is still in force. This does not recognise Salt officers as such, and gives all powers to the Police. It would be possible of course if the passing of our Bill were long delayed to extend Act XII of 1882 to the coast districts, but I hope we shall be able to get our own Bill through very shortly.

"I may perhaps refer to the Bill to amend the Local Self-Government Act. This was drafted to enable District Boards to start veterinary dispensaries and pay veterinary doctors. In the hot weather of 1896 it was expanded into a measure legalising permissive local taxation for water-supply and village sanitation and providing for tolls on bridges. Opinions were collected, and in October, 1896, the Government of India communicated certain criticisms.

"We cannot, however, proceed with the Bill at present, as it is understood that the Government of India has under consideration a new set of arrangements affecting Provincial and local finance, but I hope that the measure will not be lost sight of. The necessity of improving the water-supply and sanitation of villages is generally admitted, and District Boards are at present suffering from the inexpansive character of their revenues under all heads except that of road cess, which increases but very slowly as revaluations are made. The only means of giving them relief is by vesting them with certain powers of permissive local taxation for purposes of local interest and importance such as water-supply, sanitation, education and medical relief.

"A further reason against proceeding with the Bill at present is that a proposal is before the Government of India for reorganising the Public Works and District Works establishments in Bengal.

"In the Judicial Department we have a short Bill for extending to the Town and Suburbs of Calcutta, with such modifications as are required by local circumstances, the provisions of sections 15, 15A and 16 which were inserted by Act VIII of 1895 in the Police Act, V of 1861, together with portions of other sections of a subsidiary character.

"The sections in question authorize (*a*) the quartering of additional police in areas which are in a disturbed or dangerous state, and the recovery of the cost from the inhabitants, and (*b*) the award of compensation to sufferers from

misconduct of the inhabitants of such areas. They do not at present apply either to Calcutta or the suburbs thereof, for which there are special Police Acts (viz., Acts IV and II of 1866, passed by the Bengal Council), and the riots which occurred in the Northern Division of Calcutta in June and July last have suggested the desirability of introducing them into these areas, to be ready for use in case of need. Provisions similar to section 15 of the Act of 1861 (as to the quartering of additional police in a disturbed area at the cost of the inhabitants) have been enacted also for the City of Madras by Madras Act III of 1888, sections 20 and 22, and for Bombay districts by Bombay Act IV of 1890, sections 25 and 26. The necessity of this measure was brought out in connection with the Tallah riots, and it has been sanctioned by the Government of India.

"Mr. Wigley has also kindly drafted for us a General Clauses Bill which has gone to the Government of India for approval. The Bill follows the General Clauses Act passed by the Supreme Council last year, and it is necessary because (1) that Act applies only to laws passed by the Supreme Council, and (2) the General Clauses Act of this Province [V (B.C.) of 1867] contains but a very small number of definitions. Each Province should have a General Clauses Act on the lines of the Government of India's Act of last year dealing with the Acts of its Council."

AMENDMENT OF THE BENGAL TENANCY ACT, VIII OF 1885.

The Hon'ble MR. FINUCANE moved that the Bill to amend the Bengal Tenancy Act, 1885, be referred to a Select Committee consisting of the Hon'ble Rai Durga Gati Banerjea, Bahadur, the Hon'ble Mr. Pratt, the Hon'ble Mr. Toynbee, the Hon'ble Babu Norendra Nath Sen, the Hon'ble Babu Saligram Singh, the Hon'ble Maharaja Bahadur Sir Luchmessur Singh of Darbhanga, and the Mover.

The Hon'ble BABU SURENDRANATH BANERJEE said:—"Now that the motion has been made that this Bill be referred to a Select Committee, the time has come when under the rules of the Council the principle of the Bill may be discussed, and those principles, I may observe, are of the greatest possible importance in a country like Bengal, with its teeming agricultural population.

[*Babu Surendranath Banerjee.*]

But apart from its intrinsic importance, the Bill raises collateral issues which deserve serious consideration. The Bill may be divided into two parts—the first part has reference to what may be called the 'prevailing rate' clauses of the enhancement sections which purport to afford facilities to zamindars to enhance rents. The second part raises issues of a still graver character. It practically repeals Chapter X of the Bengal Tenancy Act and substitutes for it provisions which cannot but lead to considerable discussion and controversy, and which, I am afraid, will be considered in some quarters as being retrograde and reactionary in their character. With reference to the first part of the Bill—I would refer to section 30 of the Bengal Tenancy Act. The section lays down the conditions under which zamindars may enhance rents, and clause (*a*) provides that when a tenant holds land at a rate lower than the prevailing rate for land of the same description in the same village that constitutes a ground of enhancement. It is now proposed to alter the law and substitute the words 'adjoining or neighbouring village' for the words 'same village.' That was the law before 1885. The law then was much more elastic, and afforded wider facilities to zamindars for purposes of enhancement. But in 1885 the law was amended, and, as I have said, for the words 'adjoining or neighbouring village' the words 'the same village' were substituted, thus imposing a restriction upon the power of enhancement possessed by zamindars. It is now proposed to place zamindars in the same position in which they were before 1885. If the present law is a real hardship to zamindars, if it operates as an injustice, I would not be understood as standing in the way of the removal of a real grievance. At any rate this is a matter we ought to consider, and I have not the slightest doubt that it will be carefully considered by the Select Committee to whom the Bill will be referred. Then as regards the second point to which Your Honour has referred in your opening statement, I desire to call the attention of the Council to an observation which the Hon'ble Member in charge of the Bill made in introducing the Bill into Council. He said it was no part of the intention of the authors of the Bill in any way to interfere with the jurisdiction of the Civil Courts or the jurisdiction by way of appeal to those courts which is conferred by the existing law. As far, however, as I can see, I hold that the modifications which this Bill proposes will have the effect of curtailing to a very serious extent the jurisdiction now vested in the Civil Courts. Under the existing law

the matters which are referred to in Chapter X are matters which are disposed of by the Revenue authorities in accordance with the forms of judicial procedure. In the exercise of their functions under this Chapter, such officers are to all intents and purposes judicial officers. Against any orders passed by them an appeal lies to the Special Judge, who for the most part is a Covenanted Civilian of the rank of a District Judge; and there is a further appeal to the High Court. Now all this is altered under the Bill. The Revenue officers will not be guided by the provisions of the Civil Procedure Code; they will act in accordance with rules laid down by the Government, but not necessarily subject to the procedure of the Civil Courts, those rules being in the nature of instructions issued by the executive authority of the Government and subject only to its discretion. Again, the appeals against the orders of the Revenue authorities will be preferred no longer to the Civil Courts or the Special Judge, but to higher Revenue authorities. The procedure will be summary, and the tribunal will not be a judicial tribunal; and the appellate authority of the High Court, as I read the Bill, will also be curtailed."

The Hon'ble MR. FINUCANE said:—"The provisions of the present law both as to appeals to the Special Judge and to the High Court remain in the revised Bill exactly as they are now in respect of permanently-settled estates."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"The revised Bill has just been laid before us, and I have not had time to study its provisions."

The Hon'ble The PRESIDENT said:—"As regards permanently-settled estates, things will remain practically as they now are, except for a slight shortening of the procedure to make it more simple and expeditious. As regards temporarily-settled estates and estates directly under Government, we intend to adopt a new procedure."

The Hon'ble BABU SURENDRANATH BANERJEE continued:—"That limits the scope of the Bill; but having regard to the sympathy which the Government showed for the peasantry of the country when the Tenancy Act was passed in 1885, when it modified the summary procedure, it does not seem to me that a case has been made out for the resumption of the powers which it parted with in 1885. I thankfully admit that the scope of the Bill has been restricted, but as regards the Government and its tenants, I say with great deference that the

Government having deliberately given up the right which it possessed of a summary procedure between itself and its tenants, no case has been made out for the resumption of the powers which it abandoned of its own will in 1885. I must say that I cannot express any sympathy with the letter which Your Honour read as having been received from the British Indian Association in which they have withdrawn from the position which they formerly maintained in condemnation of this summary method of procedure. I think the judicial procedure is best suited to the circumstances of this country, and that procedure ought to be continued. I have one other remark to make. This Bill provides—I speak subject to correction—for a table of rates. I desire to record my humble protest against the adoption of any such table. There are distinguished Revenue officers in this Council, and I ask them whether it will be possible for Revenue officers to look carefully into these rates. They will involve the inspection of every piece of land in the village, and I ask whether it is within the range of practical politics for the Revenue officer to go from field to field to satisfy himself that the rate which is to be fixed is a fair and correct rate? The practical result will be that the fixing of the rates will be left to the *amins*, and we all know what that means. One of the worst-paid class of public servants, their financial exigencies too often put a very severe strain upon their honesty. It is, therefore, most undesirable to add to the powers which they possess. These are the observations which I desire to submit for the consideration of the Council and the Select Committee, and I hope and trust that when the Bill emerges from the hands of the Select Committee, it will be so modified and revised that it will commend itself to the approval and judgment, not only of this Council, but of the country at large."

The Hon'ble BABU KALI CHARAN BANERJEE said :—"I think it my duty to take exception, at this stage, to the principle of the Bill, even with the modifications which, we are now informed, have been introduced into it. What I feel is that the principle of the Bill, in certain contexts at any rate, is tainted with the tendency, observable of late, to neutralise the judicial control of the High Court, in the interests of Revenue officers who think they are hampered in the discharge of their functions by such judicial control. In paragraph 3 of the Statement of Objects and Reasons, in connection with the Bill, certain complaints are made on behalf of Revenue officers. Now, these complaints are nothing more or less than complaints against certain decisions of the High

Court, in which it was held that Revenue officers had no jurisdiction in certain matters in which they would fain have jurisdiction, and the object of the Bill is, as we have it in the opening clause, 'to clear up doubts and difficulties.' Those doubts and difficulties are cleared up by expressly conferring on Revenue officers jurisdiction in matters in which, as the present Act is interpreted by the High Court, they have no jurisdiction, and should not have jurisdiction. But not only so. In certain contexts at any rate, as the Bill provides, Revenue officers are exempted from what, perhaps, they consider to be the trammels of certain provisions of the law under which the Civil Courts have to act. The assumption of summary jurisdiction by Revenue officers will entail an amount of hardship to tenants which it is impossible to overestimate, especially, coupled, as it is, with the provision that appeals from their decisions will lie to the superior Revenue authorities in an ascending scale. The poor tenant will hardly be in a position to challenge these decisions in the Civil Court, and, in most cases, they will remain unchallenged altogether; for he will have to wait all the time taken up in the decision of the lower Revenue authorities and the review of that decision by the higher Revenue authorities, before he can institute proceedings in the Civil Court; and the same litigation will have to be prosecuted twice over. This, I submit, will be a great grievance as far as tenants are concerned. Then, with regard to the settlement of rent, it has already been observed, and I may repeat, that no principle of any kind has been laid down for the guidance of the Revenue officers. In the last clause of the section bearing on it, there is a reference to certain principles regarding the enhancement of rent, but they involve a cumbrous procedure, and as the preceding clauses provide a readier procedure, it is not difficult to imagine which of these procedures will be availed of by Revenue officers for the settlement of rent. Practically, it will be based on no appreciable principle, and rent will have to be settled more or less arbitrarily. It may be said that, sometimes, matters are disposed of more readily, if we adopt what may be described as the patriarchal system, but that is a system which can be worked by patriarchs alone, and not by young and inexperienced Revenue officers. One remark more, and that with regard to the definition, proposed to be introduced, of the term 'prevailing rate.' The definition is very obscure, and what is more, it will be unworkable, and lead to consequences detrimental to the interests of tenants. A new principle has been introduced in the definition of 'prevailing rate.' Instead of understanding the

expression in the sense of rent paid by the majority of tenants, section 4 of the Bill amending section 31A provides that 'the highest of such rates at which and at rates higher than which a larger portion of those lands is held than is held at lower rates may be taken to be the prevailing rate.' It very often happens that in a village, a large portion of the land is held by a single individual. Some one in favour with the landlord may help the landlord to bolster up the rate of rent. But that is not all. Having regard to the procedure in the Civil Court, it will be impossible to ascertain the prevailing rent according to this method. When the tenants are examined, although they may be in a position to say what their rents are, they are often ignorant of the area of land comprised in their holdings, and it will be next to impossible for the Courts to ascertain the prevailing rate of rent according to this definition. The matter is not made at all clearer, while there is danger of rents being fixed arbitrarily, which will be disastrous. It may be said that there is a provision in the Bill for instructions from the Local Government to Revenue officers in the matter of the settlement of rent, and that they may be expected to settle rent in accordance with those instructions; but I venture to say that such instructions may not have anything like consistency or continuity of principle characterising them, and as not open to inspection by the people, will strike the public as charged with a periodic element of variance. For these reasons, I oppose the principle of the Bill."

The Hon'ble Mr. Finucane said:—"I shall reply very briefly to the observations which have been made upon the principle of this Bill, and first of all I may say that I understand that the two hon'ble non-official members, who have addressed the Council, have spoken in the interests of raiyats. I congratulate them and the Council on the fact that there are some hon'ble elected members who speak on behalf of raiyats and look after their interests, and from that point of view they have my entire sympathy. But I think the conclusions to which they have come are based on a misapprehension of the Bill as it is now proposed to modify it. As I have already said, it is not proposed to alter the present procedure, or to abolish the Civil Code Procedure in the settlement of rents in permanently-settled estates, which comprise more than 90 per cent. of the whole of the estates in Bengal. With reference to them, there is absolutely no change proposed in the jurisdiction of the Civil Courts, appeals being heard by the Special Judge and High Court exactly as at present. In

the case of all other estates, that is to say, temporarily-settled and Government estates where questions of right, title and the like arise in connection with the settlement and preparation of a record-of-rights, not only is the jurisdiction of the Civil Courts not curtailed, but it is actually extended. It is left to the parties to move the Civil Courts on all questions except the amount of a fair rent. There is no appeal to the High Court under the present law in respect of questions of rent, the Special Judge giving the final decision, and there is to be no appeal to the High Court on the question of amount of a fair rent under the Bill. Therefore, I say that the idea that the jurisdiction of the Civil Courts is interfered with is without foundation. Then as regards the prevailing rate, I explained, when I introduced the Bill, the reasons that have influenced the Government in extending the area of comparison, and I don't think it necessary to reiterate what I then said. The Hon'ble Member who spoke last said that the procedure for ascertaining a prevailing rate will be unworkable; I can only say that the object is to make it possible to find what the prevailing rate is, where there is one at all. At present it is said that it is illusory to give zamindars the prevailing rate as a ground of enhancement of rent, when, in fact, it can nowhere be worked as a ground of enhancement. If any Hon'ble Member will suggest a more workable definition than that proposed in the Bill, I feel sure that the Government will be very glad to consider it. The Courts have held that the prevailing rate is a uniform rate paid by the majority of tenants in a village. Such a thing as a uniform rate paid by a majority of the tenants in a village does not generally exist even where rates do exist and are recognised, and therefore it is necessary to have some sort of definition, such as we here propose, if the prevailing rate is to be worked at all. The only other point on which any remarks have been made is regarding the proposed table of rates. It is said that a table of rates cannot be made; that it is impossible for a Settlement or Revenue Officer to prepare such a table. But I would point out that the section is permissive merely, as it says that if the Revenue Officer finds it practicable to do so, he may prepare a table of rates. If it is not practicable, he will not attempt to prepare a table. In some parts of the country it is practicable; where it is not a table of rates will not be framed. It has been said that no principle has been laid down in the Bill for the settlement of rents. Rents in permanently-settled estates are only to be enhanced on certain grounds which are distinctly

specified in the law; as regards estates which are temporarily-settled and Government estates, three or four systems are laid down under which all or any of the Revenue officers may act. I think Hon'ble Members, when they examine the revised Bill, will be satisfied that it is not so very dangerous a measure as they think, and I hope that when it emerges from the Committee, it will meet with the approval of the Council."

The Hon'ble The PRESIDENT said:—"I hope Hon'ble Members will study with very considerable care the provisions of this Bill which relate to the question of the 'prevailing rate', and I hope they will carefully read the papers which have been sent up with regard to the Bill, and that the deliberations of the Select Committee will result in evolving a satisfactory measure. It is an extremely difficult subject, I admit. The papers relating to this Bill were sent out to me when I was on my way out from home, and having nothing to do, I carefully studied them on board, and came to the conclusion that it would be better not to interfere with the procedure prescribed by the existing law with regard to permanently-settled estates. Both the Government of India and the Secretary of State have accepted that view, and they have equally accepted the view that as regards Government estates and other temporarily-settled estates, the law should be in Bengal as it is in other parts of the country; and as regards such estates, I think the Council will not be wrong in accepting the proposals which are put forward in the Bill now before the Council."

The Motion was put and agreed to.

AMENDMENT OF THE POLICE ACT, V OF 1861.

The Hon'ble Mr. Pratt moved for leave to introduce a Bill to extend certain portions of the Police Act, V of 1861, to the Town and Suburbs of Calcutta. He said:—"I move for leave to introduce a Bill to extend certain portions of Act V of 1861 to the town and suburbs of Calcutta. The power of quartering additional police in disturbed areas at the expense of the inhabitants was conferred on the Local Government by section 15 of Act V of 1861 as originally passed. That section was recast by Act VIII of 1895, and a clause was added empowering the Local Government to exempt any person or class of persons

from liability to bear any portion of the cost of such extra police. By section 15A of this latter Act an important provision was introduced whereby any inhabitant of an area proclaimed as being in a disturbed or dangerous state might recover compensation from the inhabitants of that area for damage to property or for grievous bodily injury. The circumstances of the riots which occurred at Chitpur and in the northern parts of Calcutta on the 30th of June and the 1st of July last, must still be fresh in the memory of Hon'ble Members of this Council. On that occasion His Honour the Officiating Lieutenant-Governor considered the question of quartering additional police in the disturbed parts of the town at the expense of the Muhammadan inhabitants; but when a reference was made to the Advocate-General and myself as to the legality of any such action, we gave it as our decided opinion that Act V of 1861 does not apply to Calcutta and its Suburbs, and that the proposed expedient was therefore not possible.

"And we gave our opinion in the form of the joint memorandum in my hands. It is a somewhat lengthy opinion; I therefore do not propose to read it to you *in extenso*, but will only state the substance. Act V of 1861 never did apply to the town of Calcutta. If Hon'ble Members will refer to that Act, they will see that it applies to what is described as the 'General Police District' under the control of an officer called the Inspector-General of Police and his Deputies. Now, by Act XIII of 1856 of the Supreme Council, which was repealed by Act IV of 1866 of this Council, the police of Calcutta were placed under the control of an officer called the Commissioner of Police, who still occupies the position given to him on that occasion. With reference to the Suburbs of Calcutta, no doubt Act V of 1861 did apply to them at the time it was passed, but subsequently by Act II of 1866 the suburbs were excluded from the provisions of that Act by a notification issued under section 1 of that Act. There the matter would have rested were it not for the introduction in section 15 of the Act as amended by Act VIII of 1895 of the words 'any area subject to its authority.' At first sight it would seem that that expression was wide enough to include Calcutta and its suburbs, but as a matter of fact, the Act nowhere repeals the special enactments to which I have referred, and to this day the Commissioner of Police exercises control both over the town and suburbs of Calcutta. And when we examine how those words came into the section, we find that they were brought in simply to make the language of the

first sub-section uniform with that of sub-sections (*2*) and (*3*). As a matter of fact the draft Bill presented to the Supreme Council did not contain the words to which I have referred, and neither in the speeches in Council, nor in the report of the Select Committee is there the slightest allusion to the reason for changing the language employed. Thus by reference to the general scope of the Act and the history of Act VIII of 1895, we came to the decided conclusion that Act V of 1861 extends neither to the suburbs nor the town of Calcutta.

" Now the Bill which it is desired to introduce is in itself a small measure, having for its object the removal of an anomaly whereby the Local Government is debarred from using in the metropolis the resource of quartering extra police on the inhabitants of a disturbed locality. The power to take such action already exists with respect not only to all rural areas, but also to the great cities of Northern India, and such large and populous towns as Patna, Gaya, Dacca and Howrah, the last of which is practically a suburb of Calcutta. Moreover, there is a similar provision as regards the city of Madras to be found in section 20 of Madras Act III of 1888.

" The causes which lead to agrarian disturbances, such as quarrels about *chur* land or rent disputes between landlords and tenants, may not be expected to find a place in Calcutta. But experience has shown, both in the case of last year's riots and in the serious riots at Sham Bazaar in 1891, that religious excitement in a populous city may quickly be fanned into a flame, spreading disaster and consternation far and wide. Outbursts of popular excitement are often sudden, and cannot generally be foreseen, and where, as in Calcutta, the population is mixed and comprises a large body of low Muhammadans employed at the mills and factories, there is necessarily a risk of occasional outbreaks of lawlessness. Apart from disturbances which arise from religious excitement or class animosity, there might possibly be an outbreak of persistent incendiarism, such as has been known to happen in some mufassal districts. Is it right or expedient that the arm of the Local Government should remain shortened so that it cannot use the same repressive and punitive measures for organized terrorism and crime in Calcutta, as it can in all other territories under its sway? I think there can be but one answer to this question, and I trust this Council will speedily provide the remedy by means of the enabling Bill which I now seek to introduce.

[*Mr. Pratt.*]

"The material sections of Act V of 1861, as amended by Act VIII of 1895, which should be extended to the town and suburbs of Calcutta, are sections 15, 15A, and 16, with some modifications to suit local circumstances. As regards the Town of Calcutta, an officer to be appointed by Government would assess and levy the cost of additional police and of compensation for injury, while the Magistrate of the 24-Parganas, who exercises jurisdiction over the suburbs, would perform those functions in the Suburbs. In sub-section (*2*) of section 16 the words 'All moneys paid or recovered under sections 13, 14 and 15 shall be credited to a fund to be called the General Police Fund,' and have been replaced by 'All moneys paid or recovered under section 15' —as sections 13 and 14 are not extended under the Bill, and there is no existing General Police Fund for Calcutta and the suburbs, nor is it necessary to establish one for the purposes of this Bill alone. Finally, I would draw attention to the proposed omission from sub-section (*1*) of section 15A of the words 'being an inhabitant of such area.' Under the existing law, only residents of the disturbed area can be awarded compensation for injury from the misconduct of the inhabitants. Such a limitation seems hardly just for Calcutta, where a disturbed area would often be frequented by strangers on business or by persons passing through and who had received no warning of impending danger. Such was the case during the recent riots, and I need only instance the case of the two young officers travelling inoffensively on bicycles towards Dum-Dum, who were attacked on the Circular Road by an excited and insensate mob, and who might have been killed had it not been for the humane intervention of a Hindu mill-owner who afforded them a temporary asylum. With these observations, I move for leave to introduce the Bill."

The Motion was put and agreed to.

The Council adjourned to Saturday, the 19th March, 1898.

CALCUTTA;
The 22nd March, 1898.

F. G. WIGLEY,
Offg. Assistant Secretary to the Govt. of Bengal,
Legislative Department.

Reg. 786G—300—24-3-98.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 19th March, 1898.

Present:

The Hon'ble SIR ALEXANDER MACKENZIE, K.C.S.I., Lieutenant-Governor of Bengal, *presiding.*

The Hon'ble W. H. GRIMLEY.

The Hon'ble H. H. RISLEY, C.I.E.

The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.

The Hon'ble J. PRATT.

The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.

The Hon'ble M. FINUCANE, C.S.I.

The Hon'ble W. B. OLDHAM, C.I.E.

The Hon'ble R. B. BUCKLEY.

The Hon'ble SAHIBZADA MAHOMED BAKHTYAR SHAH, C.I.E.

The Hon'ble M. C. TURNER.

The Hon'ble NORENDRA NATH SEN.

The Hon'ble KALI CHARAN BANERJEE.

The Hon'ble MAHARAJA BAHADUR SIR LUCHMESSUR SINGH, G.C.I.E., of Darbhanga.

The Hon'ble SURENDRANATH BANERJEE.

NEW MEMBERS.

The Hon'ble MESSRS. OLDHAM and BUCKLEY took their seats in Council.

AMENDMENT OF THE BENGAL TENANCY ACT, VIII OF 1885.

The Hon'ble MR. FINUCANE presented the Report of the Select Committee on the Bill to amend the Bengal Tenancy Act, 1885. He said:—

"The Report is very brief and has been unanimously agreed to by all the Members of the Select Committee. The Report, with the amended Bill, will be published in the Calcutta Gazette on Wednesday next, and on this day fortnight I propose to ask the Council to take the clauses of the Bill into consideration and to pass the Bill. I will not occupy the time of the Council in reading the Select Committee's Report, which explains itself."

[*Mr. Risley.*]

CALCUTTA MUNICIPAL BILL.

The Hon'ble MR. RISLEY moved for leave to introduce a Bill to amend the law relating to the Municipal affairs of the Town and Suburbs of Calcutta, and to authorize the extension of the same to the Town of Howrah. He said:—

"I have the honour to move for leave to introduce a Bill to amend Bengal Act II of 1888—the Calcutta Municipal Consolidation Act. As I shall have to explain at some length the provisions of the Bill which extends to nearly 700 sections and makes large changes in the present law, I may dismiss the early history of the subject with a few words. Municipal government in Calcutta dates from 1840. In that year the town was divided into four divisions, and the Government was empowered, on the application of two-thirds of the rate-payers in any division, to entrust to them the assessment, collection and management of the rates on a scheme to be approved by Government. But this self-working system never worked, for not a single application was made to Government under the Act. There followed experiments with seven Commissioners, with four and with three. The last of the series deserve to be remembered as the originators of the drainage scheme. In 1861 a sort of federal system was proposed by a Committee presided over by Mr. Seton-Karr, but the scheme was not accepted, and two years later the Municipal Commissioners were superseded by the Justices of the Peace working under Act VI of 1863. Further legislation on a variety of points followed, and by the end of 1874 the municipal government of Calcutta was regulated by no fewer than 14 Acts. The attempt to consolidate these resulted ultimately in the passing of Bengal Act IV of 1876, which created an elective Corporation. The constitutional provisions of this Act were repeated with no very material alterations in the present law.

"Bengal Act II of 1888 has now been in force since the 1st April 1889, or nearly nine years. During that time it has, I believe, given rise to more doubt and difficulty as to its construction and operation than any Act that has been passed by this Council. It has been condemned on material points by the Courts, by the many learned Counsel who have advised on its interpretation, and by most of the officers who have had to do with its working. Suggestions for the amendment of the Act were made as long ago as 1891, but Sir Charles Elliott was reluctant to undertake a task of such magnitude except under

pressure of the strongest necessity. In 1895 a partial amendment was decided on with the object of enabling the Commissioners to realise license-tax from certain companies which under the present law escape assessment. Subsequently the Corporation represented that section 237 of the Act was defective in so far as it afforded no means of exercising effective control over the rebuilding of houses and material alterations in their structure and urged the necessity of immediate legislation.

"While the Bill making the necessary changes in the law was being put into shape it was reported that a case of plague had occurred in Howrah, and the Medical Board, now the Plague Commission, was appointed for the purpose of checking the spread of the disease. In exercise of the powers then delegated to them the Board deputed six Medical Officers to make a sanitary survey of the Town and Suburbs of Calcutta with reference to certain points indicated for enquiry. The reports of these officers disclosed an appalling state of things, but I do not propose to drag the Council through all this mire. I will merely read a summary which omits the detailed horrors of the reports :—

I.— Overcrowded and badly built houses.—In many parts of the town and suburbs they found that both *pucka* houses and bustee huts were dangerously overcrowded, and were built in a manner which rendered proper ventilation and efficient conservancy almost impossible.

II.—Defects of public latrines.—The public latrines and urinals were in many cases faulty in construction; they were imperfectly cleaned and their number was insufficient to justify even a limited application of the penal provisions of the law in regard to nuisances.

III.—Defects of private latrines.—The private latrines were in many cases so constructed that they could not be properly cleaned, nor could the conservancy officers get access to them; and consequently many of them were choked with accumulations of filth.

IV.—State of house-drains and down-pipes.—The house-drains and down-pipes were in many cases broken, choked, and out of repair.

[*Mr. Risley.*]

V.—State of surface drains.—The surface drains were blocked with foul matter, latrines were allowed to discharge into them, and the drains themselves were often used as latrines.

VI.—Neglect of road scavenging.—The scavenging of the roads was imperfectly carried out; the staff was inadequate for the work; and the subsoil had become dangerously polluted.

VII.—State of compounds and courtyards.—The condition of the compounds and courtyards of houses was in many cases extremely filthy.

VIII.—Pollution of wells.—Wells in courtyards were contaminated by the percolation of sewage impurities from the soil.

IX.—State of cowsheds and stables.—Cowsheds and stables were situated in thickly populated places; their construction was faulty; they were greatly overcrowded, and their flooring was soaked with sewage which polluted the wells on the premises.

X.—State of hackney carriage stands.—The number of hackney carriage stands was wholly insufficient to meet the current requirements of the town, and they were imperfectly flushed and cleansed.

XI.—Condition of bustees.—Most bustees were badly drained and imperfectly ventilated; the huts were too close together; the latrine arrangements led to the pollution of the soil; the roads and lanes were too narrow, and conservancy was imperfectly carried out.

"On these reports the Chamber of Commerce observed in a letter signed by the late Mr. Clarke—

'No one can rise from even a cursory perusal of these Reports without having the conviction forced upon the mind that there exist in Calcutta conditions of insanitation which constitute a permanent and standing threat against the health of the inhabitants and the prosperity of the city. This would be sufficiently serious if it concerned Calcutta alone, but the Committee cannot blind themselves to the position which Calcutta occupies with respect to the rest of the Province and to India generally. It is in a special sense the point to which all classes throughout the country are attracted, and from which they are dispersed over immense areas, either in the pursuit of business, or in obedience to the impulses of religion. Further, the enormous and widely distributed trade of the city makes the health of the inhabitants a matter of constant interest over almost the whole of the world. When

viewed in this manner, the state of the city, as disclosed by the Report of the Medical Boards, calls for more than the attention of the Municipal Commission entrusted with the ordinary care of the city: it is a matter which concerns not only the Government of Bengal, but the Supreme Government, and it is sure, the Committee think, to attract very special notice in England, as well as in other countries.'

"The description given by the Sanitary Officers of the condition of parts of Calcutta was borne out by the personal observation of the members of the Board, all of whom, with the exception of the native member, who was in bad health, visited the streets and houses, the conservancy of which had been most conspicuously neglected. The reports were also confirmed in the fullest detail and supplemented in innumerable similar instances by the reports and evidence of Dr. Banks, who had large experience of practical sanitation as Civil Medical Officer of Puri, and was for this reason selected by the Lieutenant-Governor for the post of the Chief Superintendent of Conservancy in Calcutta, a temporary appointment, the Chamber observed, sanctioned by the Commissioners early in October, 1896.

"These evils are no new things in Calcutta. They had for the most part been discovered, although not so fully set forth, by Mr. Beverley's Commission in 1884. But they are a far greater danger to the town now than they were then. For in the meantime the relations of Calcutta to the commercial world at large have been drawn materially closer, and the sanitary condition of the city attracts and promises to continue to attract the critical attention of foreign nations to a large and increasing extent. This is due to two causes,—the great extension of communications which has taken place throughout the world and which as Bombay, the Punjab and the North-Western Provinces now know only too well facilitates the conveyance of infectious disease from one country to another, and the growth of the science of bacteriology which traces disease to microscopic organisms and seeks to ascertain the conditions which govern the development of these organisms and their transmission from place to place. A glance at the proceedings of the recent Sanitary Conventions of Geneva, Paris and Venice will show the importance of what may I may venture to call international hygiene and the prominent part that is played in it by scientific experts. Diplomacy and science are now working hand in hand towards certain practical ends. On the one hand they are disposed to modify the earlier ideas on the subject of quarantine which reflect the crude notions of the middle ages on the subject of the transmission of disease. But on the other they do so only

subject to certain express conditions. They demand the production of accurate statistics of mortality, and they insist on the effective maintenance of a modern standard of sanitation. Failing these, foreign powers will assuredly enforce quarantine or its modern equivalent as stringently as the Italian Maritime Republics of the 15th century, and will be hampered by even fewer scruples as to the damage that may be inflicted on their greatest commercial rival. In the face of these tendencies and of the facts set forth by the Sanitary Officers, it is essential for us to put our house in order, and the first step necessary is to revise the present Act throughout, so as in the first place to provide the town with a responsible municipal executive, and in the next place to furnish this executive with a law adequate to the sanitary requirements of the present day and the condition of Calcutta as it now is. It follows further that as the interests threatened are in the first instance those of the foreign trade, not of Calcutta only, but of the whole of Northern India and Assam, the time has come for the representatives of the commercial community to take an active part in the administration of the city. I say in the first instance advisedly, for there is no interest in Calcutta that must not stand or fall with the commerce of the town. Commerce has made Calcutta: when commerce deserts it, house property will dwindle in value, lawyers will lose their clients, schools their pupils, and Calcutta will become a city of the dead like Bruges or Ravenna, or the once famous Cinque Ports.

"And to say that there must be a change in the constitution of the Municipality does not necessarily imply any reflection on the work done in the past by the Commissioners or their executive. It means merely this, that the constitution introduced in 1876, and maintained in all essentials in 1888, fails to meet the wants of the present day. Times have changed since then; the municipal constitution must change accordingly.

"In point of fact, as His Honour the President observed in his statement on the opening of this session, 'under the present law there is no municipal constitution at all in the proper sense of the word. Everything is fluid and indefinite. The Act vests in the Commissioners all powers, whether they are such as a large deliberative body can properly exercise or not; but it allows the Chairman to exercise all the powers vested in the Commissioners, except those reserved to the Commissioners in meeting, subject to such limitations and conditions as may be imposed, before or after he has acted under

[*Mr. Risley.*]

this power, by a resolution of the Commissioners. It further confers an unlimited power of controlling the Chairman by the action of Committees. By thus failing clearly to define the powers of the executive, the Act renders it impossible to say as regards any given matter in what part of the Corporation the executive resides, or indeed whether there is any executive at all. The consequences have been, what might have been expected, a complete breakdown of the conservancy of the town at a critical period, and serious confusion in other departments of the municipal administration, without the possibility of determining with any approach to certainty where the responsibility for such a state of things lies.'

"The cause of this uncertainty, the great flaw in the present Act, is to be found in section 61. By section 61 the Chairman may exercise all the powers vested by the Act in the Commissioners, save such as are expressly reserved to the Commissioners in meeting. But he cannot act in opposition to, or in contravention of, any orders passed by the Commissioners at a meeting, and if any order already passed by him is brought before a meeting and modified or disapproved, he has to modify or cancel his action accordingly. Under sections 63-64 there comes the General Committee, which deals with Budget and Finance and such other business as may be referred to it by the Corporation or does not lie within the sphere of any other Committee. When the Chairman and the majority of the General Committee concur, and inconvenience is likely to arise from delay, action can be taken in anticipation of the confirmation of a General Meeting, but not otherwise. Under section 65 the Commissioners may appoint any other Committees, either standing or special, and consisting of so many members as they may think fit for the purpose of enquiring into and reporting upon any matter connected with the conservancy or improvement of Calcutta not assigned by the Act or by the vote of the Commissioners in meeting to the General Committee, or for the purpose of advising or aiding the Chairman or Vice-Chairman in the discharge of any portion of the duties exerciseable by them under section 61, which, in the discretion of the Commissioners, would be better regulated or managed with the aid of such Committee. The Chairman and the majority of a Committee, if in accord, have the same power as the General Committee of anticipating the action of a General Meeting.

[*Mr. Risley.*]

"Now in 1895-96 there were the following Standing Committees under section 65:—

(1) the Bye-laws Committee with 9 members;
(2) the Loans Committee with 9 members;
(3) the Hackney Carriage Committee with 6 members.

"These subjects did not apparently interest the Commissioners greatly, and the Committees were comparatively small; but as we go on we find—

(4) the Water-supply Extension Committee with 31 members;
(5) the Busti and Town Improvement Committee with 38 members;
(6) the Suburban Improvement Committee with 21 members;
(7) the Roads, Buildings, Conservancy and Tramways Committee with 48 members;
(8) the Complaints Committee with 33 members.

"In paragraph 31 of the Annual Report of the Commissioners for 1895-96, it was observed: 'In connection with these Committees two important changes were made, viz., practically the appointment to a Committee of every member who cared to serve on it, instead of the number being limited to 24 or 26 as in previous years; and secondly, a resolution which was passed by the Committee that in future members of the various Standing Committees be appointed for one year only.' The pressure of members to be on some of these Committees was so great that in the end every Commissioner who desired to be on a Committee had to be let in. It is true that in May 1896, when it was found that many of the Committee members only attended when they had cases to press in which they were interested, the Commissioners again limited the numbers on the Chief Committees to 24, on the Hackney Carriages and Bye-laws Committees to 9, and on the Loans Committee to 6, but this reform was only carried by 3 votes, 26 members voting for it against 23 who preferred unlimited Committees. Since then the numbers on the chief Committees have been reduced to 18 and those on the minor Committees to 6 or 9. But even now they are too large and who will venture to say that they may not in future be raised?

"It may be said that the existence of some, at any rate, of these Committees is necessary for the purpose of considering proposals involving contracts the subject-matter of which exceeds Rs. 1,000 in value, of recommending expenditure, of whatever amount, that is not included in the Budget,

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and of dealing with matters reserved for the decision of the Commissioners in meeting either by the Act or by sanctioned rules or bye-laws. But the Act itself—so vague and defective is it—imposes no such restrictions on the purposes for which Committees may be appointed any more than it limits the number of members who may serve on them, and leaves it open to the Commissioners to intervene in any question or class of questions, whether within the legitimate functions of the executive or not. The machinery for such intervention is to be found in the Complaints Committee, the formation of which was described by Sir Henry Harrison in 1890 as a thoroughly unsound move, emanating from the wish of the Commissioners to concentrate in their hands all power, instead of merely the legitimate power of administration. He foretold, when the Committee was constituted, that they would find no field for their operations in the direction of bringing to light complaints which had received no attention, but that they would degenerate into a mere appellate tribunal from the orders of responsible municipal officers, after they had enquired into cases. This was precisely what happened. It was very soon found that the Committee took two months to dispose of a single complaint, while such complaints came in at the rate of twenty a day, and hence an order was passed that it should only have jurisdiction in the case of complaints referred to it by the Chairman or by some Commissioner. 'The result (said Sir Henry Harrison) has been the creation of an executive appellate tribunal of the worst type. Ordinary persons, who are more likely to need redress, cannot get access to it; it is reserved for a few favoured individuals who have influence enough with some Commissioner to get their case referred to it; that is, for the very persons who would be sure to receive adequate attention independently of any such Committee. Most of the more reasonable and experienced Commissioners fight shy of the Committee, whose operations have consequently fallen into the hands of other and younger men who are, among the whole body of the Commissioners, perhaps the most incompetent to exercise the functions they aspire to.'

"Summing up the result of these sections they come to this: The Chairman as such has virtually no powers under the Act. Whatever he does he does on sufferance with the knowledge that the power he has ventured to use may be withdrawn from him by resolution, or that the action which he has taken may be upset with retrospective effect. Let any one consider what this means in the

light of the following remarks of Sir Henry Harrison, as fair and sympathetic a witness as it is possible to cite:—

'The *rôle* which the elective Commissioners for the native wards have at once assumed is precisely that of checking, watching and controlling in every way, in seeing either that no expenditure is incurred without sufficient reason, or that projects of improvement are not undertaken which cannot be fully justified. They have in fact been the brake-power in the municipal train. But a train cannot progress by brake-power alone, nor can a city thrive by opposition alone. It is also necessary that you should have motive power, and this is precisely the one point in which the Corporation has been deficient. The motive power has been too weak, while the opposition power has been very strong.'

"The Chairman has the brake-power always against him. He has to convince an adverse majority on a number of Committees which are appointed only for one year and may consist from time to time of different members. Every case he deals with he may have to deal with twice over—once in order to settle what is to be done, and once again perhaps a week or a month later in order to convince an adverse Committee that he has done the right thing. A law under which such a state of things is possible obviously fails to discriminate between the true functions of the Corporation as a representative body exercising general and especially financial control, and the duties of their Executive in giving effect to the positive provisions of the law in matters of conservancy and practical municipal work. No reasonable being can suppose that an executive, hampered by the possibility of interference by any one of a series of multifarious Committees, and watched by a Complaints Committee which any grievance-monger can set in action, can administer successfully the affairs of a great city. The Chairman may rise superior to these difficulties, and by dint of personal influence cause the unworkable to work, but how about his subordinates? Can you expect good subordinates under such a system? Can you expect men whose appointments depend on the will—it may be the caprice—of the brakesmen to be very zealous in obeying the orders of the engine-driver? Can you look, in short, for any thing but doubt, hesitation and general paralysis in the action of the Executive?

"A further defect in the working of the present Act is the practical exclusion of European men of business from all share in the municipal government of Calcutta. This is the more serious in the case of a heterogeneous community where the European minority control the commercial interests to which the

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town owes its existence, and realise very clearly the extent to which the prosperity of those interests depends on the sanitary condition of the town. It is, however, by no means a thing of today. The Calcutta merchants, who serve readily and do excellent work on the Port Trust, have always held aloof from municipal affairs. Even in the days of the Justices men of business in Calcutta could not find time to take part in the interminable debates of a large talking body, but were content to leave the affairs of the town to be controlled by the Chairman, whose executive power had not then been whittled away by the action of Committees. In 1876, when the introduction of the elective system was under consideration, the Select Committee appointed to frame a constitution for the town fully recognised the peculiar character of the community they had to deal with, and the necessity of bringing into their scheme the principle of special aptitude and special interest as opposed to that of numerical equalty. They proposed that out of the 54 members to be elected, 27 should be Hindus, 9 Muhammadans and 18 Europeans, Eurasians, Armenians, Jews, &c., while of the 18 to be nominated, 9 should be Hindus or Muhammadans and 9 persons of other nationalities. This proposal did not satisfy the non-official Europeans, one of whose representatives in the Council, Mr. Brookes, considered the proportion of Europeans too small for efficiency, and suggested that the number should be raised to 25. The Committee's scheme was rejected, not in consequence of Mr. Brookes's objection, but in deference to the views of the Hon'ble Kristo Das Pal, who, while admitting the existence in the city of a varied community with conflicting interests, urged that the system of proportional representation would be inelastic and would prevent Hindus from electing Europeans as their representatives. 'It might be said that the larger number of rate-payers being Hindus, they would flood or swamp the Corporation; that was to say, the majority of persons elected would probably be Hindus, and that other sections of the community would be overridden. He did not think that that would be the case. For his own part, he thought that the Hindus were well aware that they had to learn a good deal from Europeans, and that in the matter of municipal management they by themselves could not do much. United with Europeans, they could do a great deal, but single-handed the Hindus were too weak. So he did not believe that the result would be in the direction apprehended.'

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"In illustration of this I would ask the attention of the Council to the Statements A, B and C which I lay on the table. Statement A illustrates the comparative representation of the chief nationalities in Calcutta as it stood in 1882 under Bengal Act IV of 1876 and in 1895 under the present law. It will be seen that the proportion of Hindus among elected members has declined from 64·6 to 61·6, and on the main body of elected and nominated Commissioners from 52·7 to 52. They still, therefore, have an absolute majority in the Corporation, while on the General Committee they compose 66·6 per cent. —the same proportion as in 1882. In so far, then, as it was the intention of sections 8 and 63 of the Act to reduce this undue preponderance, those provisions appear to have proved futile.

"The percentage of Muhammadans has risen on the Corporation from 11·1 to 17·3 and on the General Committee from 10 to 16·6. This result, which is largely due to the Government having, at the instance of the Chairman, nominated six Muhammadans in 1895, is in itself by no means a matter for regret. But the gain of the Muhammadans is more than counterbalanced by the decline in the proportion of Europeans and Eurasians from 31·9 to 26·8 in the Corporation and from 20 per cent. to 5·6 per cent. on the General Committee. A comparison of the figures for Natives (Hindus and Muhammadans) with Europeans, Eurasians, Parsis, Jews and Armenians, brings out even more striking results. The percentage of Natives in the Corporation has risen since 1882 from 63·9 to 69·3, and on the General Committee from 76·6 to 83·3, while the proportion of other nationalities has fallen in the Corporation from 36·1 to 30·1 and on the General Committee from 23·4 to 16·7.

"Statement B shows the composition of the Municipality according to profession. Lawyers, who had 21 seats out of 72 in 1882, have 27 seats in 1895, Hindu lawyers having gained 6 seats. The number of land and house-owners has fallen from 17 to 12; while the merchants and traders, admittedly under-represented in 1882, had the same number of seats in 1895 as in 1882 although the commercial interest in the municipal administration had advanced rather than declined during the period.

"Statement C is based upon the statistics of the ward elections of 1895. It shows that the registered electors amount to only 2 per cent. of the total population of Calcutta; that the Hindus, who are only 66 per cent. of the

population, have 73·3 per cent. of the registered electors and 69·5 per cent. of the voting power; and that Muhammadans, who form 29 per cent. of the population, contribute only 10·5 per cent. of the electorate, and exercise only 9 per cent. of the voting power. On the other hand, a comparison of Statements A and C brings out that the Hindus with 69·5 per cent. of the voting power secured in 1895 only 61·6 per cent. of the seats, while Europeans with 19·5 per cent. of the voting power got 23·3 per cent. of the elected Commissioners, and the Muhammadans with only 9 per cent. of the aggregate voting power succeeded in electing 13·4 per cent. of the ward members.

"In whatever way the figures may be combined and analysed, they demonstrate how conspicuously the elective principle has failed to fulfil the expectations held out by Kristo Das Pal, that the Hindu rate-payers would often choose European Commissioners, and therefore that precautions to guard against other sections of the community being overridden were unnecessary. They show further how, under the system introduced in 1876, not only do Hindus and Muhammadans command an overwhelming majority, but Hindus alone outnumber on the Corporation all other nationalities put together and outnumber them much more decisively on the General Committee. The municipal government of Calcutta has in fact passed into the hands of the educated Hindus. The Europeans, who ought to have a predominant influence in the affairs of the town, cannot be induced to take part in the general meetings of the Commissioners, where they consider, rightly or wrongly, that time is wasted in debate and where they could not hope to command more than an insignificant minority. They prefer to stand aside and make themselves felt through the Chamber of Commerce, the Jute Association, the Health Society or some other public body which every now and then puts forward some very general proposal with an imperfect knowledge of the facts, and no knowledge at all of the difficulties, financial and administrative, involved in the sanitation of a large Asiatic city. It is one of the greatest evils of the existing state of things that among the various critics of the Corporation those who are most interested in the questions at issue and best able to make themselves heard should at the same time be the worst informed as to the evils that exist, and the least responsible as regards the possible remedies for them. I am not prepared to blame the merchants and tradesmen of Calcutta for the rôle they have adopted, but it is a fatal defect in the law under which the town is administered that it compels the really

influential Europeans among the non-official community practically to cut themselves off from municipal work.

"Having thus explained, I fear at unavoidable length, the general reason for legislation, I turn now to the provisions of the Bill.

"We hope to pass the Bill early next cold weather, so that it may come into force by the 1st April, 1899. Section 1 (*3*) accordingly provides for the appointment of the new General Committee in time to take up its duties when the Bill comes into force. Over the definitions I need not linger, as I shall refer to them, so far as may be necessary, in explaining the substantive sections to which they relate.

"PART II.—CONSTITUTION AND GOVERNMENT.

"The Bill leaves untouched the number of the Commissioners and the methods of electing and appointing them; it does not propose to alter the franchise, nor does it reconstruct the present arrangement of wards. But it provides the Corporation with an efficient executive, and interposes a small working Committee between the Chairman and the main body of the Commissioners. The functions of these three authorities—the Corporation, the General Committee, and the Chairman—are precisely defined and carefully distinguished in the Bill. The management of a great city such as Calcutta involves questions of far-reaching importance, and without extensive powers of control resting in the hands of the responsible Chairman and of the Government, it is unreasonable to expect good results from any form of municipal administration. The Bill, therefore, abandons the system followed in the previous Acts, of vesting the entire municipal government in the Commissioners, with permission to the Chairman to exercise such powers of the Commissioners, not being expressly reserved to the Commissioners in meeting, as they may not withdraw from him by resolution, and subject to such conditions as they may lay down. It provides for three municipal authorities—the Corporation, the General Committee, and the Chairman assisted by the Deputy Chairman, who will act only under the Chairman's orders. All powers conferred by the Bill are distributed among these authorities, with reference to their assumed fitness to exercise them, in the manner shown section by section throughout. To the Corporation are reserved the right of fixing the rates of taxation and all

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those general functions which can be efficiently performed by a large body, provision being at the same time made against the contingency of their deliberations impeding the transaction of necessary business. Following the Bombay Act the Bill (section 24) vests the entire executive power in the Chairman to be exercised either independently or subject to the approval or sanction of the Corporation or General Committee wherever this is expressly so directed. The General Committee stands between the deliberative and the executive authorities, and deals with those matters which by their nature are ill-adapted for discussion by the Corporation, and yet are too important to be left to be disposed of by the Chairman alone. Power is also taken for the General Committee to appoint Sub-Committees either from their own body or from the general body of the Commissioners on which it is hoped all the real workers among the Commissioners will be utilised, whether they are members of the General Committee or not. Proceeding on these principles, section 5 enumerates the municipal authorities, while section 23 defines their respective functions and provides for a reference to the Local Government in case of doubt arising. Sections 6 and 7 define the constitution of the Corporation, which, as I have said, will remain unchanged.

"The scheme for the appointment of the General Committee in equal proportions by (*a*) the elected Commissioners voting by groups of wards, (*b*) the Chamber of Commerce, the Trades Association, and the Port Commissioners, (*c*) the Government, is based on the principle of giving adequate representation on the working body of the Municipality to the three chief interests in Calcutta—to the European commercial community which has made the town a centre of trade; to the Government which has made it the capital of the Indian Empire, and is responsible to the world at large for its sufficient and progressive municipal administration; and lastly to the residents, house-owners, and ground landlords, regarding the last of whom Sir Henry Harrison observed in 1890 that the value of their property had been increased two-hundredfold by the creation and maintenance of Calcutta as a commercial capital. Once admit, as every reasonable man must admit, that the commercial community, and more especially the European section of it, have an unquestionable right to an effective voice in the municipal government of Calcutta, there is, I believe, no practicable means of enlisting their co-operation but that which is now put forward. Even if the Government were prepared to go behind the

decision arrived at in 1876, and introduce the principle of proportional representation of nationalities into the election of the main body of the Corporation, it is doubtful whether that would induce the leaders of the mercantile and trading community to take an active part in the debates of a large body, where organization and manipulation of votes would be needed to secure any real influence. Business men will work on a business Committee and will work on no other.

"For the purpose of electing four members of the General Committee under section 8, the Bill proposes to divide the twenty-five wards into the four following groups or electoral divisions, the Commissioners of each of which will elect one member from among the entire body of Municipal Commissioners:—

Name of group.	Wards comprised in group.	Population.
1	2	3
Northern Division ...	1 to 6	215,555
Central " ...	7 to 11	164,328
Southern " ...	12 to 19	124,059
Suburban " ...	20 to 25	145,419

"This arrangement, which is based upon population, will be convenient for engineering and conservancy purposes, and will correspond more closely with the municipal needs of each division and the work to be done, than one framed with reference to area, taxation, or voting power. As each division must be composed of contiguous wards and must be of a manageable area, the scale of population cannot be made absolutely uniform; but it must be borne in mind that the population of many of the wards in the Southern and Suburban Divisions will tend to increase, while on the other hand it is one of the objects of the Bill and of the further legislation which may be found necessary to prevent overcrowding and thus reduce population in the Northern and Central Wards. I observe that a proposal to break up Calcutta into divisions for the purpose of electing the members of the General Committee who

are elected by the elected Commissioners was brought forward by my friend, Babu Kally Nauth Mitter, in 1894, but was rejected as being illegal under the present law. I am glad to be able to appeal to his great authority in support of the principle of electoral divisions. That principle will, I believe, ensure the adequate representation on the General Committee of all parts of Calcutta; it will harmonise the local interests of the wards with the general interests of the town; it will place the four elected members in a very strong position as representing each a group of wards, while at the same time it will not diminish the influence of the Ward Commissioners, but will focus it and enable it to be exercised more effectively through the divisional members.

"The four seats reserved to Government will enable it not only to secure adequate representation of its own important interests in the town, but also, if need be, to provide for a Muhammadan member and to nominate at least one Commissioner as the special representative of the humbler working men of all ranks and trades who earn their livelihood in Calcutta and who are at present wholly unrepresented. As Sir Henry Harrison observed in 1885,—

'Not only do the labouring classes in Calcutta, important as their interests are, get no representation under the present system, but there are some of them who, by their dependent relation to the Municipality, especially need it. I mean those classes with whose freedom of action we are compelled, in the interests of the community at large, to interfere. Such are the residents in bustees, whom we have to displace in opening out crowded localities; the carters whom we tax first for using the streets, and then for keeping their cattle within municipal limits (there are 17,000 carts licensed in Calcutta); the *gowalas* whom we are compelled to prosecute in hundreds because they will not comply with our requirements as regards the stabling of their cows, and who ought to be placed under much closer surveillance to prevent disease being conveyed by milk; the *dhobees*, who for the same reason ought also to be brought under sanitary regulations as soon as the Suburbs come into our hands.'

"I am confident that there will be no difficulty in finding a European or Native Commissioner who will undertake to acquaint himself with the needs and grievances of these classes and to become their representative upon the General Committee. Provision has been made in section 3 of the Bill for constituting the first General Committee as soon as the new Act comes into force, and in section 45 for holding general elections in March, 1900, when it is proposed that the body of Commissioners now about to be elected should vacate office.

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"*Sub-Committees.*—Section 88 empowers the General Committee to delegate any of their powers or duties to Sub-Committees nominated by them. The numbers of these Sub-Committees are limited to six, and none of their members need be members of the General Committee. The General Committee is to fix the time within which a Sub-Committee is to report; and all the proceedings of such Committees must be confirmed by the General Committee. Under section 93 fees will be paid to members of the General Committee and of Sub-Committees.

"*The Chairman and Deputy Chairman.*—As in Bombay, the entire executive power is vested by section 20 in the Chairman subject to such express limitations as are elsewhere laid down. This will do away with the present uncertainty as to the functions of the Executive. The power of appointing the Chairman is vested in the Local Government as under the existing law, and the Bill also withdraws from the Commissioners the discretion they have hitherto exercised of fixing the Chairman's salary and house-rent allowance. A Government officer specially selected for this difficult and important post is placed in a wholly false position by the present law which makes him dependent on the good-will of the Commissioners for an addition to his pay which, owing to the great cost of living in Calcutta, is in most cases no more than is required to save him from positive loss while holding the appointment of Chairman.

"Provision has also been made for the appointment by Government of a Deputy Chairman who must ordinarily possess engineering and architectural qualifications. The now building regulations will greatly extend the duties of the Chairman, and it is essential for him to have the assistance of a competent adviser to whom he can on occasion delegate his duties.

"*Elections.*—In view of certain decisions by the High Court, and of the uncertainty that has been felt as to the interpretation of sections 19—29 of the present Act, it is thought desirable to incorporate in the substantive law a definite procedure for municipal elections, instead of leaving such matters to be dealt with by rule. The draft sections proposed are based for the most part upon sections 19—35 of the Bombay Act, but some important changes have been introduced in consultation with Mr. Bright with reference to recent experience. Thus section 43 (*1*) and (*2*) provides that persons who wish to been rolled as voters must register their names in the Assessor's office, and must show that they have paid in their own names

all rates and taxes due from them for the first two quarters of the municipal year. Section 43 (10) to (21) transfers the duty of revising the list of electors from the Chairman to a revising Magistrate who would be selected from among the Presidency Magistrates.

"*Control. Section 22.*—The section of the existing Act, conferring certain powers of control upon the Government, is framed in very general terms, and would be difficult to put in force effectively. The conditions requisite to give the Government jurisdiction to intervene are vaguely stated, and it is almost impossible to say what construction should be put upon 'complaint made,' 'general default,' and 'due enquiry.' Each of these terms would of itself give rise to a controversy.

"On the other hand the present law is unfair to the Commissioners in that it gives them no distinct right to show cause against an order, and forces the Government to take the extreme course of at once appointing some person to perform the duty alleged to be neglected, instead of calling upon the Commissioners to perform it themselves within a stated time. The section which the Bill substitutes is based upon section 64 of the Madras Act, and gives the Government as ample power of intervention as it need reserve, while at the same time providing for a fair enquiry into the facts, and giving the Corporation sufficient opportunity for stating their view of the matters in dispute. That the Government ought to have an effective power of interference is, I imagine, incontestable.

"CHAPTER IV.—MUNICIPAL OFFICERS AND SERVANTS.

"This Chapter has been framed so as to secure the following objects, which experience has shown to be essential to the efficient working of the municipal administration of Calcutta:—

(1) To withdraw from the patronage of the Corporation the important offices of Engineer, Surveyor, Health Officer, Collector and Assessor, and other offices with a salary of Rs. 500 a month and over. The General Committee, constituted as now proposed, will be more likely to make a good selection than so large and miscellaneous a body as the Corporation, and the scandal that has been caused by the canvassing of rival candidates will be avoided. Sir Henry Harrison observed in 1890—and the remark has never

been contradicted—that all the Commissioners well knew that the Municipality 'failed most conspicuously in personal questions, when each Commissioner is subjected to private solicitation and unwholesome pressure, and gives his vote under the influence of motives very few of which are consistent with the well-being of the City.'

(2) To vest in the Chairman the selection of suitable persons to fill all offices carrying a salary of less than Rs. 300 a month, together with the power of fining, suspending and dismissing persons so appointed. To quote Sir Henry Harrison again:—'A single officer acting under a sense of responsibility would dispose of these personal questions far more equitably than the Commissioners as a body, where individual responsibility is overlaid by numbers, and the most unblushing solicitation is practised.'

(3) To enable the Local Government to prescribe the qualifications of candidates for employment in the Health, Conservancy and Engineering Departments. I trust that this seemingly unimportant provision may prove to be the germ of a school of Sanitary Engineering which will open a new career to educated young men and will meet a very real demand.

"The title of Vice-Chairman has been changed to Controller of Municipal Accounts, which more correctly expresses the duties which in practice the present Vice-Chairman discharges.

"PART III.—FINANCE.

"The sections relating to loans reproduce the existing law and further provide at Mr. Bright's suggestion for the preparation of a Loans Budget, its consideration by the Corporation and the determination of the sums to be borrowed during the year.

"The sections dealing with the Municipal Funds are based on the corresponding sections of the Calcutta Act. Sections 103 to 144 are adapted from the Bombay Act and lay down more fully than is the case in the Calcutta Act the procedure for making payments, investing surplus funds, keeping accounts, preparing and passing the budget and auditing the accounts of the Corporation. Section 144 imposes on the Chairman the duty of remedying

defects pointed out by the Auditors. Provision is made for the budget being prepared by the Chairman, revised by the General Committee and considered by the Corporation, who may refer it back to the General Committee or amend it as they think fit subject to the condition first that they must make adequate and suitable provision for essential matters, and secondly, that they must settle the budget and determine the rate of taxation between the 15th December when the budget will be circulated to individual Commissioners and the last day of February. No payment can be made by the Chairman except for purposes or works specially sanctioned or for certain emergent purposes expenditure on which must be reported. No contract for a purpose requiring the approval or sanction of some other municipal authority may be made by the Chairman without such approval or sanction. All contracts for sums between Rs. 500 and Rs. 5,000 must be reported to the General Committee, and all contracts for sums between Rs. 5,000 and one lakh require the Committee's approval. Contracts above one lakh require the approval of Government as under the present law.

"PART IV.—TAXATION.

"Under Chapter X relating to rates the only change is the transfer of authority in purely executive matters from the Commissioners to the Chairman. No provision has been made in the Bill for levying a police rate, but the Government of India have expressly reserved the right to deal with the question by legislation, which may take the form either of levying a local rate or of charging a certain sum annually against the Municipal Fund.

"In Chapter XI dealing with the assessment of buildings and land the opportunity has been taken of defining more clearly how the annual value of *bustee* land should be determined, and permitting a building, the valuation of which has been reduced on the ground of exceptional circumstances, to be revalued when such circumstances have ceased to exist. Section 125 of the present Act has also been amplified so as to enable buildings or lands to be revalued under certain circumstances.

"Chapter XII dealing with the tax on carriages and animals contains no material change except that the executive authority is throughout reserved to the Chairman. The definition of carriage to include bicycles and tricycles, and the imposition on these of a tax of Rs. 4 a year will, I believe, add a substantial sum to the income of the Corporation.

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"CHAPTER XIII.—COLLECTION OF RATES AND TAXES.

"The draft provisions contained in this part have been framed so as to adapt the Bombay procedure for collecting municipal dues to the circumstances of Calcutta. They vest all executive functions in the Chairman. Section 193, following section 202 of the Bombay Act, requires municipal dues to be paid direct into the Municipal Office—a system which has been tried with success in some mufassal Municipalities in Bengal.

"Chapter XIV and Schedule III embody the amendments rendered necessary by the High Court decision in the case of the Standard Life Insurance Company, when it was held that a Company carrying on business in Calcutta could not be assessed to license-tax unless it carried on a business expressly mentioned in the schedule. They also include some minor amendments introduced at the instance of the Corporation. Rules 13 and 14 of the schedule substitute a Sub-Committee appointed by the General Committee for 'a Bench consisting of the Chairman or Vice-Chairman and not less than three Commissioners' as the alternative appellate authority under the schedule.

"CHAPTER XVIII.—WATER-SUPPLY.

"Under the present Act the supply of filtered water is intermittent; but the quantity actually pumped exceeds that which the mains were laid to carry, so that the provisions of section 153 with regard to the head of pressure during the hours of supply have ceased to be operative and the pressure varies greatly in different parts of the town. The residents not unnaturally keep their taps continually open, in order to take the fullest advantage of any supply they can get, and the result is that a large proportion of the existing supply runs to waste. This practice, combined with intermittent pumping through constricted mains, causes the pressure to be so low that in a large section of the town, and chiefly at present in the Bara Bazar area, the water does not rise above the ground floors. The Commissioners, therefore, must either incur heavy expenditure in order to enlarge the mains to meet the present scale of wasteful supply and restore the pressure of 30 feet prescribed by section 153 of the Act, or must restrict the supply to reasonable limits by preventing waste. The Bill adopts the latter alternative, but it adds provisions which are greatly to the advantage of the rate-payers. It provides for a continuous supply so far as may be practicable of both filtered and unfiltered water. The provisions

in the present Act for checking waste are contained, first in section 158, which, with Schedule IX, fixes the size of ferrules with reference to the rating of the house supplied, and thus in theory automatically restricts the quantity of water used. It is believed that the so-called 'pea-ferrules' are very harassing to the smaller house-holders, and that it should now be the object of the Corporation to restrict, not the fair use of water, but its abuse. The check on waste by the use of such minute ferrules is also of doubtful value, as even the smallest size of ferrule is capable of delivering 480 gallons in eight hours, which would greatly exceed the statutory supply. In the revised table of ferrules included in Schedule XII of the Bill, all sizes lower than a quarter inch have therefore been omitted.

"The second check on waste given in the present Act is the power conferred by section 155 of attaching a water-meter to the pipes of individual houses in cases where waste is suspected. This, however, must be at the expense of the Corporation; and as a meter costs from Rs. 30 to Rs. 40, and the number of house connections will probably at no very distant date approximate to 50,000 in the city and suburban areas, it follows that for financial reasons the section is now useless for general purposes, although it might have been of considerable use if it had been applied from the inception of the water-works. The only practicable plan under the conditions which now prevail is to divide the town into blocks for the purposes of water-supply, and to keep a check on the consumption of water in each district by meters applied to the mains and sub-mains which supply the block. The Bill provides for the introduction of this system, which has been worked successfully in a large number of towns in England; and the Chairman is authorized by it to recover the value of the water consumed in each block over and above the statutory allowance by a percentage charge levied rateably in the block on the water-rate bills of connected premises. The existing section 155 is retained for use in particular cases, and individuals who think themselves aggrieved by the levy of an extra water-rate in the district are given the option of claiming a meter for their own houses at a reasonable rate of hire. I trust, however, that it may not be necessary in practice to resort to the levy of an extra rate on the block. There is, I am told, an instrument called a stethoscope which enables waste to be traced to individual houses. Those people might fairly be called upon to take meters and pay rent for them

until they amended their ways and took to closing their taps—with a constant supply there is no excuse for leaving a tap open. In other respects the Bill follows closely the system already in force in Calcutta and Bombay.

"CHAPTER XIX.—DRAINAGE.

"The drainage sections of the Bill are mainly based upon the Bombay Act, the most useful clauses of the Calcutta Act being also incorporated. Of new points the following are the most important :—

(*a*) The clauses giving the Local Government considerable power of control over the outfall of the sewage system, especially with reference to any alteration in the outfall works made necessary by the decay of river channels—a possible, but at present remote contingency attaching to all outfalls into the network of tidal creeks which intersect the Salt Water Lakes. These provisions embody the orders issued on the outfall works now under construction, which were passed under section 274 of the Calcutta Act.

(*b*) Care has been taken in drafting the Bill to emphasise the rights of the rate-payers, as well as the duties and responsibilities of the Corporation with regard to drainage matters.

(*c*) By sections 315 to 322 it is proposed to substitute an unpaid agency of licensed plumbers working at rates approved by the General Committee for the present insufficient staff of Drainage Inspectors appointed by the Corporation. The number of house-connections now amounts to nearly 30,000, which is likely to increase, and it is found practically impossible at reasonable cost for the Corporation to do more than exercise a general control over house fittings or to accept responsibility for the repair and maintenance of these fittings with all the contingencies of occasional stoppages from misuse. The Bill therefore provides an agency, of which the public must avail themselves, to carry out house drainage works at reasonable rates, and the Corporation is bound to exercise proper control over this agency, and to punish breaches of the laws and bye-laws in cases where house fittings are not properly maintained.

"Under the head of the lighting of streets and public places, the Calcutta Act (sections 296 and 297) is singularly meagre, and the provisions in Chapter XXV of the Bill are accordingly based upon sections 330-335 of the Bombay Act.

"The sanitary provisions contained in Chapters XXVI to XXXIII and XXXV of the Bill are based mainly on Chapter XV of the Bombay Act, which is in many respects more effective than the corresponding sections of the Calcutta Act.

"CHAPTERS XXI TO XXIV.—OF STREETS AND BUILDING REGULATIONS.

"This, Sir, in my opinion is the most important part of the Bill. It is also by far the most difficult, and the one on which I am most anxious to invite the fullest criticism from the public. At the same time I do not propose to go into very great detail now. The draft which has been inserted in the Bill is based in the main upon the report of the Building Commission, but I have imported into it several important provisions drawn from foreign sources which I will explain presently. It is still under the consideration of the Building Commision, and their assistance has been, and I trust will be, of the utmost value. The Government is under great obligations to the President of the Commission for the report that has been submitted and the great mass of evidence that has been collected. I desire myself, both as a Member of the Commission and as in charge of this Bill, to tender my most cordial personal thanks to Babus Kally Nauth Mitter and Nalin Behari Sircar for the help they have given me in dealing with these sections. Their knowledge of the conditions of the native part of the town and the difficulties which have to be met there has been invaluable, and I have found them most open-minded and ready to consider and enter into new proposals.

"Now the trouble about a building law is that you have to deal in it with two widely different sets of conditions—things as they are and things as they ought to be. Things as they are, especially in the native part of the town, may be briefly described as chaos. One can easily see how it came about. Take Bara Bazar as an illustration. There you have 75 per cent. of the surface occupied by solid masonry and the balance made up of narrow lanes and tiny courts and yards. No doubt it was originally a bustee consisting of huts built unsymmetrically all over the place, with narrow passages between them which may have been wide enough for the original requirements of the place. By degrees the huts were converted into masonry buildings and vacant spaces were built up, but the passages remained the same, as it was no one's business and no one's interest to get them widened. This

is the process that we see going on everywhere now, and it is a very dangerous process, for the passages which are wide enough for huts 12 or 15 feet high with ventilation through the eaves of the roof and also to some extent through the walls, are clearly not enough to ventilate an area made of huge masses of masonry 40 and 50 feet high. I do not say this is peculiar to Calcutta, for it is not. You see just the same state of things in many continental towns which grew up round a central market-place. The streets in the old part of Cologne are not much wider and certainly not more regular than in Bara Bazar, and the same may be said of dozens of other towns. Nor is the European business part of Calcutta wholly free from these defects. The streets no doubt are wider, but between street and street are great spaces practically filled up by solid masonry. And a tendency in the same direction may be seen even in the residential quarter. Compounds are gradually being built up and air-space encroached upon, and it is hardly an exaggeration to say that Chowringhee and Theatre Road are going the way of Burra Bazar.

"How can this state of things be dealt with by a building law? There seem to me to be two solutions. One solution is to say the whole thing is past praying for. Chaos it is and chaos it must remain so far as the ordinary building law is concerned. All we can do is to reconstruct parts of it from time to time, as we can find the money, by planning new streets, buying up land and selling it again so as to cover the cost of each undertaking. That is a tenable position, and as regards some parts of the town it may have to be adopted. No ordinary building law can make much impression on Burra Bazar. But for the greater part of the town we should, I think, go beyond this *laisser-aller* policy. We cannot of course make all things new. We cannot take that short way with offending structures which is expressed in the line—

'Diruit, ædificat, mutat quadrata rotundis.'

But we can control and check. We can provide that new buildings and old buildings reconstructed shall conform to certain rules, and we can stop the building up of vacant spaces. This the Bill attempts to do by sections 367 and 372. But the control thus exercised must not be absolute and automatic, or great hardship may result. The Bill gives a certain discretion to the General Committee to apply or not to apply the provisions of the Bill in cases where buildings are materially altered. And in addition to this a general power of dispensation is vested in the Government to be exercised on the application of any two of the municipal authorities.

[*Mr. Risley.*]

"Subject to these safeguards the regulations intended for new buildings on new streets will apply to new buildings on old streets and to existing buildings when they are re-erected or materially altered. In other words, provisions designed for things as they ought to be will apply with certain checks and balances to things as they are.

"Among the provisions relating to new streets and now buildings will be found some principles which have been adapted from modern continental legislation. The most important of these is embodied in section 365, which runs as follows:—

Power to regulate future erection of certain classes of buildings in particular streets, squares or quarters.

'365. (*1*) The General Committee may give public notice of their intention to declare that in any particular streets, squares or quarters of the town specified in the notice, or in any specified portions of such streets, squares or quarters,—

(*a*) continuous building will be allowed subject to the provisions of this Act relating to continuous building, or

(*b*) the erection of only detached buildings will be allowed, subject to the provisions of this Act relating to buildings, or

(*c*) the erection of shops will not be allowed without the special permission of the General Committee, or

(*d*) the erection of buildings of the warehouse class will not be allowed without the special permission of the General Committee, or

(*e*) the erection of buildings of the warehouse class will be allowed subject to the provisions of this Act relating to such buildings, or

(*f*) the elevation and construction of the frontage of all masonry buildings thereafter erected or re-erected shall, in respect of their architectural features, be such as the General Committee may consider suitable to the locality, or

(*g*) the erection of huts will not be allowed without the special permission of the General Committee.

'(*2*) Every such notice shall be published in such manner as the General Committee may think fit, and shall specify a period within which objections will be received.

'(*3*) The General Committee shall consider all objections received within the said period, and may then prepare a declaration relating to the streets, squares or quarters referred to in the notice, and submit the declaration to the Local Government, together with the said objections (if any) and their report upon them.

'(*4*) The Local Government, after considering the said objections (if any), may confirm the declaration, and before doing so may modify it, but not so as to extend its effect.

'(*5*) When any such declaration has been so confirmed, it shall be published in the Calcutta Gazette and shall take effect from the date of such publication.'

[*Mr. Risley.*]

"This principle has been accepted and acted upon in a number of continental towns, notably in Vienna, which in 1890 took in a large area of suburbs, as Calcutta did in 1889, and at once appointed a Building Commission to consider the probable results of the change. The report of this Commission and the draft Bill annexed are most instructive documents, and I have made much use of them in drafting portions of the Bill. The section I have quoted departs, however, from the continental principle in so far as it does not attempt to fix outright and embody in the law the streets and quarters in which particular sorts of buildings shall or shall not be allowed. That, I submit, would be impossible at present. We cannot foresee with certainty the details of the future development of Calcutta. One can say in a general way that a European residential quarter is likely to be formed in Alipore and Ballygunge, and may extend southward as far as drainage and water-supply permit. A native residential quarter may also develop on the north of the town towards Barrackpore. The area round the Docks will probably come to be taken up for warehouses and business premises generally, while the river bank on both sides above and below Calcutta will be occupied by mills, docks and wharves. Years ago one would have located the residential quarters along the river bank, but the waterway is too valuable commercially for that to be possible at the present day, and the glories of Garden Reach are now a thing of the past. Beyond these general propositions it is at present impossible to go, and obviously no precise differentiation of quarters can be based upon what I have just said. I venture to think, therefore, that the expedient adopted in the Bill is in principle a sound one. I trust that the clause as to architectural features will be accepted. The idea is not a new one. It is at least as old as the Renaissance when the people of Siena created a special department for beautifying their city, the *ufficiali del ornato*, the decorative department, whose influence on the streets can be traced even now. I have no doubt Calcutta architects will rise to the occasion when the temptation to sacrifice everything to gaining an inch of space is withdrawn.

"Another point for which I am indebted to continental practice is the distinction between continuous building, that is to say, building in rows of houses like a London street, and detached buildings of the villa type. It is a convenient distinction, as it enables you to formulate distinct rules for the two classes of buildings. Thus in the case of dwelling-houses built in streets where

continuous building is allowed, the Bill provides for clear space at the back equal to half the height of the house, while a dwelling-house built in a quarter reserved for detached building must have a clear space all round equal to the height of the house. So far as new streets and new buildings are concerned, the rules will, I believe, work well, but my friend Babu Kally Nauth Mitter pointed out to me the other day that their application to existing streets will require very careful consideration, where you have streets of continuous building separated by large spaces filled up by detached buildings. In connoxion with continuous building, I may add that the Bill proposes to introduce the continental system of fixing a building line four feet behind the street alignment. Both terms are defined in the Bill. Practically it means this, that a man building on a street cannot put his main front wall on the alignment. He must put it four feet back. But he may use this four feet for verandahs, porticos, oriels, balconies, steps and decorative projections of all kinds. It is claimed for this system that it gets rid of a host of vexations disputes about projections, that it adds to the air space, and that it encourages decorative methods of domestic architecture.

"The Bill follows the Vienna draft proposals in respect of a third point of considerable importance. It distinguishes between provisions relating mainly to sanitary considerations, such as ventilation and the like, and provisions relating to construction. The former it proposes to embody once for all in the law, on the ground that they rest upon permanent principles which are matters of settled doctrine and are not liable to vary from time to time. The latter it relegates to a schedule as being liable to change, and provides a procedure by which the schedule can be altered. This, I think, is reasonable. Illustrations will occur to every one. For instance, a new process in the manufacture of iron might greatly increase the strength of iron beams, and in that case the prescribed dimensions might be reduced. But it would be absurd to have to amend the Act for that purpose.

"Finally, before leaving this part of the Bill, I must draw attention to sections 364 and 439 to 450, which introduce in two different forms the continental principle of the reallotment of building sites. In a great many cases the alignment of a new street, whether designed on the radial, the rectangular, or the circular system, divides the blocks of land owned by individuals irregularly so as to leave a number of odd pieces, triangular,

segmental and the like, which cannot be fitted into any orderly system of building. In such cases if the frontage of the buildings is laid on or parallel to the alignment of the street, their plan must be more or less oblique; while conversely if the houses are built on a rectangular plan, their frontages will run obliquely to the line of the street. If the proprietary blocks are entirely irregular, the difficulty of utilising them for building is proportionately increased. In order to get over this difficulty power has been taken in some continental Acts, the best known and most successful of which is the Act passed by the Free City of Hamburg in 1890 for the reconstruction of the suburbs on the right bank of the Elbe to throw together all the proprietary sites in a building block, cut them up into suitable building sites, and give them back to the proprietors. The division is to be made in such a manner 'that every ground proprietor shall get a share in the aggregate value of the reallotted plots of land proportionate to the share which he had in the aggregate value of the plots before reallotment.' It sounds at first rather intricate, but it is nothing like as puzzling as a batwara which is a familiar thing, and it has been worked successfully, with the consent of the proprietors concerned, at Basel in Switzerland, at Mainz, in Hamburg and at Cologne, and it is proposed to extend it by special legislation to the whole of Prussia. Obviously it must add materially to the value of the land. As applied to bustees, it seems to offer a ready means of getting over the practical difficulties of remodelling them without compelling the Corporation to acquire the entire land and without any hardship to the proprietors. The cost of the procedure would be the value of the huts, less materials given back to the owners, and the value of the land taken up for roads, less the value of existing roads surrendered.

"An alternative procedure borrowed from the scheme for Vienna and embodied in section 364 provides on the application of the owners of not less than half the area affected for throwing together unsuitable plots, dividing them into suitable building sites, and selling them by auction. This is said to have worked well in several continental towns.

"Both procedures seem to deserve consideration. It is obvious that some special powers are necessary to secure regular building sites on new streets and that the value of regular sites will be greater than that of irregular ones.

"CHAPTER XXXIV.—REGISTRATION OF BIRTHS AND DEATHS.

"In connexion with the question of securing the early reporting of deaths from plague, the Government has been led to consider the desirability of improving the entire system of registering deaths in Calcutta. Owing to the fact that the registrars and sub-registrars are mere clerks who have no medical knowledge, the entries relating to the cause of death in column 8 of the form in the eleventh schedule of the present Act are in a large proportion of cases wholly untrustworthy. Of the 70 persons who on an average die every day in Calcutta, the returns show that from one-third to one-half have had no medical attendant, and in all these cases the cause of death is more or less a matter of conjecture. The evils of this state of things are obvious, more especially in view of the increasing tendency on the part of foreign nations to restrict privileges in respect of quarantine to vessels coming from ports which can show accurate vital statistics. In order to comply with these requirements, the chapter relating to the registration of births and deaths has been entirely recast in the Bill. The important points are the following:—

(1) by section 552 no corpse can be removed from a building for burial or cremation without a certificate in the form of amended Schedule XI;

(2) section 555 requires the relatives and friends of the deceased to procure the certificate;

(3) section 556 obliges the registrar of the district to give a certificate free of charge;

(4) section 557 obliges medical men to furnish this certificate of their own motion within 24 hours of the death of any one whom they have attended;

(5) section 562 provides that if a corpse is brought to a burial or burning ground without a certificate, it shall be detained there till the friends procure a certificate, or the registrar in charge of the district satisfies himself by enquiry as to the cause of death;

(6) section 563 prohibits the examination of any corpse in opposition to the wishes of the relatives or friends of the deceased;

(7) section 564 gives the Local Government power to make rules and to prescribe the qualifications of registrars and sub-registrars;

(8) section 553 authorises the Chairman to license medical practitioners as registrars.

[*Mr. Risley.*]

"The above scheme is calculated to bring about a great improvement in the mortuary statistics of Calcutta, and to prove useful, not only in respect of grave epidemic diseases such as plague, but as a measure of sanitary administration. The only danger to be apprehended is that the poorer classes who do not employ licensed medical practitioners may have difficulty in procuring certificates. This, however, is merely a question of organisation. Section 556 obliges the District Registrar to attend free of charge for the purpose of granting such certificates, and if enough registrars are appointed no delay should occur. Under section 546 (2) the Local Government has power to determine the number of districts, each of which must have a registrar whose qualifications will be laid down under section 564. In case of epidemics the Chairman may appoint additional registrars under section 546 (3). The system will no doubt cost more than that now in force; but, having regard to the large number of medical men in Calcutta, and the keen competition between them, it seems possible that qualified medical practitioners will be willing to accept the position of district registrar on a small salary for the sake of the practice which the office will bring with it.

"Chapter XXXVIII, which is based on the recommendations of the Calcutta Building Commission, modifies the Land Acquisition Act in some material points. Section 584 extends the power of the Corporation to acquire land and buildings; section 585 creates a presumption, which in the case of unhealthy areas may be conclusive, that the market value of property so acquired is twenty-five times its annual value as entered in the municipal assessment book. Section 588 further empowers the Corporation to transfer land acquired by them to a Company or a private individual for the purpose of carrying out improvements in accordance with a regular scheme.

"The procedure proposed for the framing of bye-laws in Chapter XXXIX of the Bill is new. It will give both the public and the Corporation ample opportunity of expresing their views, and will leave the final decision, as it is left by the present Act, to the Government.

"The scheme of Chapter XL, which brings together in one place all penalties imposed, is borrowed from the Bombay Act. The Bill makes no material changes in the existing scale of penalties.

"Chapter XLI, dealing with procedure, has also been adapted from the Bombay Act. Power has been taken to appoint special Magistrates for the trial

of offences against the Act, as experience has shown that the Honorary Magistrates, before whom a large proportion of municipal cases come, are dilatory in their procedure and impose merely nominal penalties. Provisions have also been introduced for the purpose of securing the more active co-operation of the Police in the administration of the law.

"Chapter XLII reproduces the provisions of the present Act relating to the alteration of the limits of Calcutta and contains an important section (659) giving power to extend to Howrah by notification any specified portion of the Bill subject to such restrictions and modifications as may be thought fit. Of the necessity of some measure of this kind I believe no one who is acquainted with the facts will entertain any doubt.

"The sanitary condition of Howrah is indeed in its way quite as deplorable as that of Calcutta. Although the town as a whole is not overcrowded, some of the bustees in it furnish examples of the worst forms of overcrowding. The number of public latrines is insufficient; the 26,000 private latrines, both *kutcha* and *pucka*, are as bad as those of Calcutta ever were, and the staff of sweepers is too small to clean them properly. Besides the privies, there are in Howrah about 2,500 cesspools which receive sullage and urine. It is believed that only one-eighth of this liquid sewage is removed by the sullage carts, and that the remainder sinks into the soil, drains into tanks and road-side channels or disappears by evaporation. The drainage of the town is at present effected by about 3 miles of *pucka* and 80 miles of *kutcha* drains, most of them badly aligned and faultily constructed. A regular system of sewerage and drainage is greatly wanted. but the difficulty of finding a suitable outfall is extreme, and the Municipality is not at present in a position to borrow the amount, roughly estimated at about 25 lakhs, which a suitable drainage scheme would cost. A supply of filtered water was introduced recently, and is said to have already greatly reduced the mortality from cholera, but it must be materially extended before its full benefit can be felt. Effective building regulations are greatly needed, particularly in the bustees, where the large and increasing population of mill hands finds lodgings. The stables and cowsheds throughout the town are in a terribly insanitary condition, and are reported to be the most fertile source of surface pollution. The municipal law in force in Howrah is the Bengal Municipal Act of 1884, which is altogether inadequate to meet the wants of the town, and contains no provisions whatever for preventing the spread of

dangerous diseases. From the sanitary point of view, Howrah is virtually a suburb of Calcutta; its population in 1891 was 116,666, respresenting an increase of 28·4 per cent. on the population recorded in 1881; it is the head-quarters of the East Indian Railway, and contains a large number of factories which attract operatives from the neighbouring districts; and any outbreak of disease in Howrah would almost certainly spread to Calcutta. Owing to the constant intercourse between the two towns, the people of Howrah are familiar with the system of taxation and municipal administration that is in force in Calcutta, and it will be simpler and easier to extend portions of the Calcutta Act from time to time, in accordance with the growing needs of Howrah, than to enact a special statute for the latter town. The Bill provides for notice being given of the intention to extend any portions of the Act and for the hearing of objections.

"That, Sir, is the Bill. It is a large measure, and the introduction in the constitution of the proposed General Committee of the principle of proportionate representation is, I allow, a new departure. But it is an honest attempt to solve a problem which at all times and in all countries must remain a difficult one—that of giving to a numerical minority the rights to which it is entitled, not merely in its own interests, but in the interests of the community of which it forms part. I appeal to those who in this Council represent the dominant majority on the Corporation as it now exists to accept it in the spirit in which it is meant and to accept it the more cordially as it seeks to realize the ideal set before us by their great predecessor, the Hon'ble Kristo Das Pal—the ideal of uniting Europeans and Natives in the wise, progressive and energetic government of this City."

The Motion was put and agreed to.

The Hon'ble MR. RISLEY applied to the President to suspend the Rules of Business for the purpose of introducing the Bill.

The Hon'ble BABU SURENDRANATH BANERJEE said:—"I desire with reference to this motion to say—

The Hon'ble THE PRESIDENT said:—"It is a point of order for the President, and I cannot hear any discussion upon it."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"I desire to enter my protest, and I ask that it be recorded."

The Hon'ble THE PRESIDENT said:—"I will take a note of the Hon'ble Member's intervention, but I cannot allow a point of order to be discussed. There is no protest against a point of order. I think the Council will have seen from the very exhaustive speech with which the Hon'ble Mr. Risley has instructed us, that this Bill, although it is a large Bill, involves really only one large point of principle, and that the rest of it consists mainly of a mass of details. I cannot conceive it possible that the most able and anxious speaker and defender of the present state of things can wish to discuss, on the motion for referring the Bill to a Select Committee, all the details to which Mr. Risley has been referring to-day. As a matter of fact the introduction of the Bill has been from various causes long delayed. We have lost much time during the present cold weather, partly because the report of the Building Commission was not ready and partly because we were not able to get the whole time of our Assistant Secretary, although he has worked very hard on the Bill. But we are anxious to have the Bill laid before the public as soon as possible, and to have it referred to the Corporation and to all the Associations, and to everybody who can give advice to the Select Committee. The main principle of the Bill is perfectly well understood by every one in Calcutta whose opinion is worth having in the matter. Hon'ble Members present could stand up now, if they chose, and discuss the whole principle of the Bill, and therefore there is no reason whatever, from the point of view of the public interest, to object to the suspending of the rules to enable us to get through the purely formal stages of introducing the Bill and moving that it be read in Council and of the Secretary reading the title of the Bill. This will enable us to circulate the Bill for opinion at once. When the Bill comes to be referred to a Select Committee, Hon'ble Members will have full opportunity to discuss it to their heart's content, and I am prepared to sit *de die in diem* until they have been heard. In the meantime, I see no reason why the rules should not be suspended for the purpose of introducing the Bill and reading the title, and I suspend the rules accordingly."

The Hon'ble THE PRESIDENT having declared the Rules suspended—

The Hon'ble MR. RISLEY introduced the Bill and moved that it be read in Council.

The Motion was put and agreed to.

The Bill was read accordingly.

[*Mr. Pratt.*]

EXTENSION OF THE POLICE ACT, V OF 1861.

The Hon'ble MR. PRATT introduced the Bill to extend certain portions of the Police Act, V of 1861, to the Town and Suburbs of Calcutta, and moved that it be read in Council. He said:—

"At the last meeting of the Council, I explained that Act V of 1861, which is in force only within the general police district, the police of which are under the control of the Inspector-General of Police, has no application to the town and suburbs of Calcutta, the police of which are placed under the administrative control of the Commissioner of Police. I also pointed out that the police of the suburbs and town of Calcutta are governed by two special Acts. I further indicated the necessity for extending certain portions of Act V of 1861, as amended by Act VIII of 1895, to the town and suburbs of Calcutta, so that the Government may be armed with the power of quartering additional police in disturbed areas at the expense of the inhabitants; and that injured persons may be provided with a sure and simple means of recovering compensation. What I said as to the necessity for legislation has been emphasized by recent events in another presidency town, and it is also somewhat remarkable that my allusion to the possibility of incendiarism forming part of the programme of some future disturbers of the public peace has received such speedy and apt illustration in the ill-fated city of Bombay. The Bill which I now introduce consists of only two sections, the material portions of the Act which it is sought to extend to the town and suburbs of Calcutta having been referred to in the form of a schedule. The principal sections which it is sought to extend, with certain modifications suitable to local circumstances, are sections 15 and 15A, and I desire on this occasion to add nothing to the observations I made at the last meeting of the Council with reference to those sections."

The Motion was put and agreed to.

The Bill was read accordingly.

The Council adjourned to Saturday, the 26th instant.

CALCUTTA;
The 5th April, 1898.

F. G. WIGLEY,
Offg. Asstt. Secy. to the Govt. of Bengal,
Legislative Dept.

Reg No. 11G—300—6-4-98

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 26th March, 1898.

Present:

The Hon'ble SIR ALEXANDER MACKENZIE, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General of Bengal.

The Hon'ble W. H. GRIMLEY.

The Hon'ble H. H. RISLEY, C.I.E.

The Hon'ble RAI DURGA GATI BANERJEA, BAHADUR, C.I.E.

The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.

The Hon'ble M. FINUCANE, C.S.I.

The Hon'ble W. B. OLDHAM, C.I.E.

The Hon'ble R. B. BUCKLEY.

The Hon'ble SAHIBZADA MAHOMED BAKHTYAR SHAH, C.I.E.

The Hon'ble M. C. TURNER.

The Hon'ble NORENDRA NATH SEN.

The Hon'ble SALIGRAM SINGH.

The Hon'ble KALI CHARAN BANERJEE.

The Hon'ble SURENDRANATH BANERJEE.

The Hon'ble JATRA MOHAN SEN.

The Hon'ble T. W. SPINK.

NEW MEMBERS.

The Hon'ble BABU JATRA MOHAN SEN and the Hon'ble MR. SPINK took their seats in Council.

EXTENSION OF THE POLICE ACT, V OF 1861.

THE Hon'ble MR. FINUCANE, in the absence of the Hon'ble Mr. Pratt, moved that the Bill to extend certain portions of the Police Act, V of 1861, to the Town and Suburbs of Calcutta, be referred to a Select Committee consisting of the Hon'ble Mr. Grimley, the Hon'ble Nawab Syud Ameer Hossein, the Hon'ble Mr. Turner, the Hon'ble Babu Surendranath Banerjee, and the Hon'ble Mr. Pratt.

The Motion was put and agreed to.

[*Mr. Risley; the President.*]

CALCUTTA MUNICIPAL BILL.

The Hon'ble MR. RISLEY said:—"I beg to move that the consideration of the motion which stands in my name, namely, to move that the Bill to amend the law relating to the Municipal affairs of the Town and Suburbs of Calcutta, and to authorize the extension of the same to the Town of Howrah, be referred to a Select Committee consisting of the Hon'ble Rai Durga Gati Banerjea, Bahadur, the Hon'ble Mr. Oldham, the Hon'ble Mr. Buckley, the Hon'ble Sahibzada Mahomed Bakhtyar Shah, the Hon'ble Mr. Turner, the Hon'ble Babu Norendra Nath Sen, the Hon'ble Babu Surendranath Banerjee, the Hon'ble Mr. Spink and the Mover, be adjourned till Saturday, the 2nd April. Hon'ble Members have represented that they have had insufficient time to study the principles of the Bill, and I think their objection is reasonable. In order to facilitate the study of the Bill, I have had prepared a statement which shows in parallel columns the functions assigned by the Bill to the Corporation to the Chairman and to the General Committee, and distinguishing those functions which may be exercised by the Chairman with the sanction of the Corporation or the General Committee, as the case may be. I trust this statement will render it simpler and easier to follow the application of the general principle of the Bill throughout its numerous sections."

The Hon'ble THE PRESIDENT said:—"I should have been glad had we been able to commence the discussion of the principle of the Bill to-day. It was not intended to take a vote on the motion at this meeting. But if it suits the convenience of Hon'ble Members, I have no objection to postponing discussion to next Saturday. This will put Hon'ble Members in precisely the same position in regard of time as if the Rules had not been suspended last week. It was desirable to get the Bill read in Council then, as we wished to circulate the measure for opinions as soon as possible, and this has now been done. The real work of the Select Committee will not in fact begin before July. It will thus be clear that the charge that the Bill is being rushed through Council is altogether baseless.

I may also point out that some Hon'ble Members have been misquoting to the outside public the rule of Council regarding translation of Bills. It is a mistake to suppose that Rule 31 requires translation into the Vernacular before reference to Select Committee. The words in that rule 'on some

[*The President.*]

subsequent occasion' mean, and have always been held to mean, on some subsequent occasion to the meeting at which the Bill has been introduced. The rule runs:—

> 'When a Bill is introduced, it shall, together with a Statement of its Objects and Reasons, be published in the English and Vernacular languages in the official Gazettes of such parts of Bengal as are affected by the Bill. And on some subsequent occasion the Member in charge of it shall make one or more of the following motions:—
>
> (*a*) that it be referred to a Select Committee, or
>
> (*b*) that it be taken into consideration by the Council at some future day, or
>
> (*c*) that it be circulated for the purpose of eliciting opinion thereon.'

"The only necessary preliminary to reference to a Committee is laid down in Rule 32, viz., that copies of the Bill and Statement of Objects and Reasons must have been seven days in Hon'ble Members' hands:—

> 'No such motion shall be made until after a copy of the Bill and a copy of the Statement of Objects and Reasons have been furnished to each Member. Any Member may object to the motion unless such copies have been furnished to him at least seven days previously; and such objection shall prevail unless the President, in exercise of his discretion, allow the motion to be made.'

"The translation of the Bill into Bengali, the Vernacular of Calcutta, is being made, but it is in this case sheer waste of time and money, as every person capable of giving a useful opinion on the Bill will read it in English, the language in which, I may observe in passing, all Municipal business is carried on here. I asked one of the Hon'ble Members last Saturday for whose benefit he was so anxious to hang up the Bill till translations were made, and he replied that 'the Marwaris ought to see it.' I have never myself met a Marwari who could read a Bengali Act, and Bengali is the only language into which the Bill will or can be translated. The inner meaning of this anxiety for translation I leave the Council to surmise.

"I should also like to take the earliest opportunity of removing another misconception, viz., that the Government of India had the Bill under consideration for only a week or two. As a fact they had the main principle of the Bill in full draft, and a pretty good skeleton of the rest of it before them in June last, and had it under consideration for over six months, while the Secretary

[*The President.*]

of State was informally made aware of its general lines as far back as July. There was perhaps hardly ever a measure which has received more full and anxious consideration from all responsible for it. Mr. Risley and I have been working at it and consulting people about it for over a year. As I said last Saturday, the one feature in the Bill about which Government has made up its mind is the strengthening of the City Executive. All beside that is more or less tentative, and will, I hope, with the rest of the measure, be carefully examined by the bodies to whom we have referred for opinion. I am happy to know that very many leading citizens, both Native and European, are entirely with us in our main proposals. But as the Hon'ble Mr. Risley is willing to accede to the wish of Hon'ble Members, I have no objection, and I adjourn the Bill to next Saturday.

The Council adjourned to Saturday, the 2nd April, 1898.

CALCUTTA;
The 15th April 1898.

F. G. WIGLEY,
Offg. Asst. Secy. to the Govt. of Bengal,
Legislative Department.

Reg. No. 450—300—15-4-98.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council-Chamber on Saturday, the 2nd April, 1898.

Present:

The Hon'ble SIR ALEXANDER MACKENZIE, K.C.S.I., Lieutenant-Governor of Bengal, *presiding.*

The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General of Bengal.

The Hon'ble W. H. GRIMLEY.

The Hon'ble H. H. RISLEY, C.I.E.

The Hon'ble RAI DURGA GATI BANERJEA, BAHADUR, C.I.E.

The Hon'ble J. PRATT.

The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.

The Hon'ble M. FINUCANE, C.S.I.

The Hon'ble W. B. OLDHAM, C.I.E.

The Hon'ble R. B. BUCKLEY.

The Hon'ble SAHIBZADA MAHOMED BAKHTYAR SHAH, C.I.E.

The Hon'ble M. C. TURNER.

The Hon'ble NORENDRA NATH SEN.

The Hon'ble SALIGRAM SINGH.

The Hon'ble KALI CHARAN BANERJEE.

The Hon'ble SURENDRANATH BANERJEE.

The Hon'ble JATRA MOHAN SEN.

The Hon'ble T. W. SPINK.

AMENDMENT OF THE BENGAL TENANCY ACT, 1885.

THE Hon'ble MR. FINUCANE moved that the Report of the Select Committee on the Bill to amend the Bengal Tenancy Act, 1885, be taken into consideration, and that the clauses of the Bill be considered in the form recommended by the Select Committee.

The Motions were put and agreed to.

The Hon'ble BABU KALI CHARAN BANERJEE moved that the words "or in neighbouring villages" be omitted from section 2 of the Bill.

[*Babu Kali Charan Banerjee.*]

The Hon'ble BABU KALI CHARAN BANERJEE also moved that the words "or neighbouring villages" be omitted from clause (*f*) of section 3 of the Bill.

The Hon'ble BABU KALI CHARAN BANERJEE also moved that the words "or villages" be omitted from sub-section (*1*) of section 31A in section 4 of the Bill. He said:—

"My reasons for moving these amendments are these. In the first place, it does not appear whether the clause is intended to give the landlord the option of choosing whether he should draw the materials for his evidence from the same village or from neighbouring villages; or whether the intention is that he should be limited in the first instance to such evidence as may be available in the same village, and that only when it is not possible for him even to start a case on such materials as may be available in the same village, he should be permitted to draw the materials for his evidence from neighbouring villages. That is not clear. Then further, inasmuch as in the older law another expression was used, namely, 'adjacent places,' the phrase 'neighbouring villages,' vague as it is, will be rendered doubly vague by suggesting that a distinction is meant to be drawn between 'adjacent places,' as used in the previous Act, and 'neighbouring villages' as used in this Bill. The object of introducing these words 'or in neighbouring villages' into the section, I understand, is to give further facilities to landlords to prove their case when they seek enhancement. It is pointed out—I refer to page 3 of the Abstract of Opinions—by the District Judge of Burdwan that 'nothing has been shown why landlords should have further facilities given them for the purpose of enhancing rents. If statistics be collected, it will be seen that the landlords are still too eager to have rents enhanced on false pretexts.' Nobody has shown why further facilities should be placed at their disposal. In page 1 of the Abstract, the District Judge of Murshidabad says:—'One very strong argument against extending the area from which a zamindar may draw his evidence is the custom already in vogue of manufacturing evidence of high rates.' Thus we have the opinion of two District Judges on both points, namely, that there is no reason why the area from which evidence may be produced should be extended and further facilities afforded for enhancing rents, and that there is every reason why the area should not be extended for giving them further facilities. Then referring to page

4 of the Abstract, where we have the opinion of the Board of Revenue, reference is made to the position taken by Mr. Nolan, which deserves every consideration. They say:—'Of the officers who have considered this section, Mr. Nolan is the most strongly opposed to it. He says that the old Regulations took the pargana rates as the standard, while Regulation V of 1812 introduced the rate payable in *places adjacent* as the standard, according to which rents might be increased or decreased. Act X of 1859 retained this definition of *prevailing rate* for purposes of enhancement only. It was found that Revenue Officers abused the reference to *places adjacent*, and the Tenancy Act of 1885 reduced the area of comparison to the village, on the ground that a raiyat could not produce evidence as to rates outside his village.' We have it, therefore, that at one time something corresponding to what it is now proposed to introduce was the law, and it was found that that law was abused, and so the Tenancy Act of 1885 restricted the area of comparison to the village in which the land was situate. It is proposed to go back to the law which was abused laying aside all consideration of the ground upon which the area of comparison was restricted in 1885, namely, that the raiyat could not produce evidence as to rates outside his village. We have it further in page 6 of the Abstract, to refer still to the opinion of the Board of Revenue, that 'if the raiyats have legal decisions in their favour which make it difficult to use the prevailing rate against them, they are entitled to retain this advantage, even though it be inconvenient to Revenue Officers.' And lower down, we have it that 'Mr. Nolan's argument that a raiyat cannot be asked to get evidence outside his own village is correct in principle.' Thus we have it that it was once found necessary to reduce the area of comparison to the village, the expression 'adjacent places' having been found to be very vague and liable to be abused. I submit there is no reason why we should practically go back to the old law and introduce the expression 'neighbouring villages' while it does not appear what the intention is, whether to confine the landlord, in the first instance, to the village, or to allow him to import evidence from neighbouring villages at his option. These are the reasons which have induced me to move this amendment."

The Hon'ble SIR CHARLES PAUL said:—"I oppose this amendment. I think the expression 'neighbouring village' is a very proper phrase. In practice we often find that similar lands cannot be found immediately adjacent to the land in dispute. In such cases we should go to the neighbouring village, and I think it is quite right to do so."

The Hon'ble MR. FINUCANE said:—"I also object to this amendment. The question simply is, whether the area of comparison should be confined to the village itself or extended to neighbouring villages. I stated at length when I introduced the Bill, and afterwards when I moved that it be referred to a Select Committee, the reasons which induced the Government to extend the area of comparison, and I do not propose to repeat them. When the Bengal Tenancy Act was passed there was no charge more frequently levelled against the Government of Bengal than this, that it showed undue bias in favour of raiyats and against landlords, and that charge has been made ever since up to the present time; it is significant now that the Government proposes to relax in a very moderate and reasonable degree the restriction which the law then imposed, that Hon'ble Members who represent the popular view should oppose the amendment of the law. There is scarcely a single alteration proposed in the law in favour of zamindars which one or other of those Hon'ble Members is not prepared to strike out. As for the reasons given in support of the amendment now proposed, it is said that the section as it stands is not clear, that it is difficult to say whether the intention is that the zamindar should be compelled to give evidence if possible from the same village and failing that to get evidence from neighbouring villages, or whether it is meant that he may select the evidence which he should give from the same or neighbouring villages at his pleasure. But the Hon'ble Member, instead of proposing an amendment which would make that point clear, proposes to omit the 'neighbouring village' altogether. If his intention is to make the section clear, then he should have by his amendment provided that the zamindar should first go to the village itself, and then, if evidence as to a prevailing rate was not forthcoming in it, to the neighbouring villages. Secondly, there is the general objection that the Hon'ble Member has urged to giving any further facilities to zamindars for enhancement of rent, but that objection has been discarded over and over again. There are persons who accuse the zamindars of fabricating evidence, of instituting false suits and preparing fictitious rates of rent. I do not see what that has to do with this particular question. If the zamindars fabricate evidence of fictitious rates, they will do so whether you confine the area to the village or extend it to neighbouring villages. At all events I do not think an accusation of that kind should be lightly made against a body of men like the zamindars of Bengal or brought forward as a reason against this section. Some opinions have been quoted against this section, but the vast preponderance of opinion is in

favour of it. Then it is said that Mr. Nolan has pointed out that the raiyat cannot be expected to produce evidence outside his own village. He is not expected to do so. The zamindar produces the evidence; all that the raiyat has to do, if he is dissatisfied with the evidence produced by the zamindar, is to rebut it by getting evidence to contradict it from the same or neighbouring villages. The Select Committee preferred 'neighbouring villages' to 'places adjacent,' as being more definite and more narrow in its scope."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"It will be in the recollection of the Council that I raised this question at the time when the motion was made to refer this Bill to a Select Committee. I pointed out that this provision in the Bill practically amounted to an abandonment of a concession which had been made in the interests of the raiyats. The Hon'ble Member in charge of the Bill has introduced some personal considerations into this controversy. It has been observed by the Hon'ble Mr. Finucane that Hon'ble Members were in favour of the zamindars when the Government wanted to legislate on behalf of the raiyats. [The Hon'ble MR. FINUCANE said:—"I said the accusation had been raised against the Government of Bengal of being on the side of the raiyats."] Further it has been said that the hon'ble mover of the amendment ought not to have quoted certain observations which had been made by certain Judges. Those observations were not the observations of the Hon'ble Member but of certain high officials of the Government, and my hon'ble friend was quite right in laying them before the Council. If they involved reflections upon the zamindars, my hon'ble friend was not responsible for them. I venture to submit that not a shadow of a case has been made out for this important alteration of the law. The Select Committee has submitted a report which is very short and sweet, but not the smallest reference is made to some of the cardinal points in the Bill which are in opposition to the interests of the raiyats. I have great pleasure in supporting this amendment."

The Hon'ble THE PRESIDENT said:—"This question of the 'prevailing rate' has always been a vexed one on which different opinions have been held by different classes of persons. So far from the adoption of the section as it stands in the existing Act being intended as a concession to the raiyats, it was intended and definitely declared to be a concession to the zamindars. Very many authorities were at that time in favour of leaving out the 'prevailing rate' as a ground of enhancement of rent altogether. It was, however, retained,

and, as I said, distinctly declared to be a concession to zamindars. Now it has been proved by experience that the concession as it stands in the Act is unworkable and more or less a fraud on zamindars, and therefore it has been for many years urged by competent authorities, among whom was Sir Charles Elliott and the Board of Revenue, that some alteration of the law is necessary. I proposed that a comparison should be made between the rates in the village and in such neighbouring areas as might be fairly comparable, raising thereby the direct issue whether the villages examined are fairly comparable in the matter of rates or not. The Select Committee has preferred to adopt the phrase 'neighbouring villages,' and I am not prepared to say they are wrong. Originally what was to be considered the 'prevailing rate' was the 'pargana rate.' But a pargana includes many villages, and the history of the thing is that when Act X was passed the idea was that the pargana rates were uncertain, and therefore the framers of that Act adopted the phrase 'for lands of similar description with similar advantages in places adjacent.' It was pointed out at the time that that expression was vague, and it was undoubtedly used to the prejudice of raiyats. I do not know whether any one would suppose that the sympathies of either the Hon'ble Mr. Finucane or myself would be against raiyats. But we wish to be fair to zamindars also. The intention is that this ground of enhancement be made workable on a rational basis; for to confine the comparison to the village is practically impossible, because as Sir Charles Elliott said, a revenue village is an area which may contain a hundred or a thousand acres, or it may consist of scattered places far apart. It appeared to me, therefore, that the rate prevailing in the neighbourhood of the land in dispute was the proper test, and the Select Committee has adopted the phrase 'in the village or in neighbouring villages.' If we remember that a landlord claiming enhancement on this ground has to prove his case to the satisfaction either of a Civil Court or of a Settlement Officer, I do not think there is much risk to the raiyat from the phrase as it stands. At any rate the Select Committee, after considering the reports which have been received have adopted that phrase, and I see no reason for departing from their recommendation."

The Motions were put and negatived.

The Hon'ble BABU KALI CHARAN BANERJEE, by leave of the Council, withdrew the motion that section 2 of the Bill be omitted.

[*Babu Norendra Nath Sen; Mr. Finucane.*]

The Hon'ble BABU NORENDRA NATH SEN moved that section 31A in section 4 of the Bill be omitted. He said:—

"Though I signed the Report of the Select Committee, I reserved to myself the right to move any amendments I liked, and the Hon'ble Member in charge of the Bill will be able to bear me out on this point. I make this motion on three grounds. First, that it will be difficult to work this section, and almost impossible to find out the prevailing rate by the method of calculation, contemplated by this section; secondly, that it will be extremely difficult to classify lands and ascertain their different rates of rent in the manner indicated in the Illustration, and thirdly, that it will give opportunities to zamindars' agents to manipulate forced or fictitious rates of rent; and thus this provision of law, though probably correct in principle, might be turned into an engine of oppression. I should prefer to leave the law as it stands at present, and as it has been interpreted in various decisions of the High Court and the Privy Council. It is not alleged that that interpretation has caused any great hardship or any failures of justice. I therefore move that the section be omitted."

The Hon'ble MR. FINUCANE said:—"I oppose this amendment. The reasons given by my hon'ble friend for modifying or omitting this section are practically the same as those urged for the previous amendment which has been lost, namely, that it is not desirable to give any facilities for the enhancement of rent—more than are now enjoyed. As to the objection that the section cannot be worked, I think Hon'ble Members having experience in the mufassal will admit that the prevailing rate can be ascertained in some localities, and the section tends to facilitate the ascertainment of it. It is not intended that this section shall apply indiscriminately to all parts of the country. It is not proposed to extend it to districts or parts of districts where rents are already sufficiently high. It is only intended for districts where rents are unduly low and zamindars are not able to obtain fair and just rents. In parts of the country to which the section is not extended the law will remain as it is, and the interpretations which the Civil Courts have put on the existing law as to what is a prevailing rate will not be affected by this section. Unless the Council hold that it is not desirable to give any facilities for the enhancement of rent, I submit this section ought to be passed."

[*The President; Babu Kali Charan Banerjee.*]

The Hon'ble THE PRESIDENT said:—"As I said before, this question of the 'prevailing rate' has always appeared to me an extremely difficult one, and this section is an attempt to find a workable basis for it as a ground of enhancement, and it has been strongly supported by many very experienced Revenue Officers, and also by Sir Charles Elliott, who was an experienced Settlement Officer himself. But I was myself so uncertain as to the possible result of it, especially in Bihar, that I thought it desirable to safeguard it by a proviso and also by the addition of the section which follows, namely, that when once the prevailing rate has been ascertained in this way rent shall not be enhanced again except on the ground of a rise in prices. With these safeguards I think the section will be safe. At any rate certain very experienced officers have said that they think it may be safely introduced and worked, and I have no doubt the Government of Bengal will make careful enquiries before introducing it into any district, and that it will be worked with caution; but that it is workable I am convinced."

The Motion was put and negatived.

The Hon'ble BABU KALI CHARAN BANERJEE moved that for the words "the highest of such rates at which and at rates higher than which the larger portion of these lands is held may be taken to be the prevailing rate" in sub-section (*1*) of section 31A in section 4 of the Bill, the words "the rate paid by a majority of the raiyats for such lands in the village may be taken to be the prevailing rate" be substituted. He said:—

"It is not disputed that by 'prevailing rate' in section 2 is meant the rate paid by a majority of the raiyats for such lands in the village. It has to be seen whether it is necessary to introduce a definition of 'prevailing rate' other than that which is understood to be the definition of 'prevailing rate' as used in section 2. In going over these papers I was somewhat struck with the fact that there was almost a consensus of opinion as to the obscurity of the proposed definition. One Judicial Officer goes the length of saying that 'it certainly makes a British-born subject pause a little when he reads this section'; others characterise it as, 'ungrammatical.' Others again, including the Board of Revenue, are of opinion that the introduction of this section would be misleading, because there is no definition in the Act of 'prevailing rate' as used in section 2; the safeguard in the opening words of the section notwithstanding. In the absence, therefore, of a

definition of 'prevailing rate' in section 2 this section is misleading. Then again this is a definition which must lead to rack-renting; it will raise the rent to the highest rate possible in the circumstances. Further the definition will be unworkable on another ground, a ground to which I had the honour of referring when the Bill was referred to a Select Committee, namely, that under this definition raiyats will be expected, while giving their evidence, to be able to state the areas of their holdings. It is pointed out by one of the Judicial Officers that it is not to be expected that they should be able, while stating what rates they paid, also to state the areas of their holdings. Consequently it would be very difficult to come to a finding as to what the prevailing rate should be taken to be according to this definition."

The Hon'ble MR. FINUCANE said:—"I oppose this motion, the effect of which would simply be to omit the section altogether. I have already pointed out that in districts or parts of districts to which this section is not extended the definition of 'prevailing rate' remains as it is under the existing law."

The Hon'ble THE PRESIDENT said:—"I am surprised that a legal gentleman of the eminence of the Hon'ble Member should have put forward the fallacy with which he started. It is the zamindar who is required to prove his case. The raiyat is not called upon to state the area of his holding. When Hon'ble Members were discussing the question of the prevailing rate, it was urged that the area would be taken into consideration and not the number of persons who pay that rate. If the zamindar is the unscrupulous man he is made out to be, he would have less difficulty in manufacturing a majority of raiyats by splitting up tenancies than in showing that higher rates are paid over a larger area."

The Motion was put and negatived.

The Hon'ble BABU KALI CHARAN BANERJEE, by leave of the Council, withdrew the following motions of which he had given notice:—

(1) That the words "In any district or part of a district to which this sub-section is extended by the Local Government by notification in the Calcutta Gazette in sub-section (1) of section 31A in section 4 of the Bill, be omitted.

(2) That the Illustrations be omitted from sub-section (*1*) of section 31A in section 4 of the Bill.

(3) That sub-section (*2*) of section 31A in section 4 of the Bill be omitted.

[*Babu Surendranath Banerjee ; Babu Kali Charan Banerjee ; Babu Saligram Singh ; the President.*]

The Hon'ble BABU SURENDRANATH BANERJEE moved that for section 5 of the Bill, the following be substituted, namely:—

"5. After the word 'correct' in sub-section (6) of section 39 of the said Act, the words 'and may presume that the prices shown in the lists prepared for any year prior to the passing of this Act are correct' shall be inserted."

The Motion was put and agreed to.

The Hon'ble BABU KALI CHARAN BANERJEE, by leave of the Council, withdrew the motion of which he had given notice that section 5 of the Bill be omitted.

The Hon'ble BABU SALIGRAM SINGH moved that the words "or at any lower rate that may appear to the Court to be fair and equitable" be omited from section 6 of the Bill.

The Hon'ble THE PRESIDENT said :—"If the land cannot be identified, then the average rate is applied. If on the other hand it can be identified, then it is rated according to its class. It is not logical to say that for land which cannot be identified the average rate 'or any lower rate that may appear to the Court to be fair and equitable' may be taken, and therefore those words should be omitted."

The Motion was put and agreed to.

The Hon'ble BABU SALIGRAM SINGH, by leave of the Council, withdrew the motion of which he had given notice that for the words "lower rate" in section 6 of the Bill, the words "other rate" be substituted.

The Hon'ble BABU KALI CHARAN BANERJEE moved that the following be [illegible] at the end of section [illegible] of the Bill, namely:—

"[illegible] Provided that no tenant who holds under a lease with defined boundaries shall [illegible] to pay enhanced rent in respect of any excess area found to be within the boundaries stated in the lease."

He said:—"Clause 6, which it is proposed to insert, has raised a question in the minds of some of the Judicial Officers. The Additional Judge of the 24-Parganas says:—'Would this apply to a village with defined boundaries and a descriptive specification of area?' Even the Board of Revenue

[*Babu Kali Charan Banerjee; the President; Babu Norendra Nath Sen.*]

say:—'It does not appear to the Board clear whether this new sub-section is intended to apply both when the holding in which there are excess land is held at a lump rent and with specified boundaries, and when it is held at specific rates without boundaries. The old rulings are that if land is settled at a lump sum with definite boundaries, it is not enough in order to prove a demand of higher rent to show that the nominal area of the land has been found greater than it was originally recorded. Boundaries prevail against record of nominal area' Thus the Board of Revenue are in doubt whether the sub-section is meant to modify the law as laid down by the High Court."

The Hon'ble The PRESIDENT said:—"I think every Lawyer will hold that we do not modify the ruling of the High Court. We have no intention of altering the law in that respect and the ruling of the High Court."

The Hon'ble BABU KALI CHARAN BANERJEE said:—"A doubt has been raised, and I therefore proposed this amendment. I beg leave to withdraw it."

The Motion was, by leave of the Council, withdrawn.

The Hon'ble BABU NORENDRA NATH SEN, by leave of the Council, withdrew the motion of which he had given notice that for the words "one or more of the boundaries" in clause *c*) of section 102 in section 7 of the Bill, the words "all the boundaries" be substituted.

The Hon'ble BABU KALI CHARAN BANERJEE moved that the procedure for settlement of rents and decision of disputes in estates under settlement of land-revenue be the same as the procedure for settlement of rents and decision of disputes in permanently-settled estates.

The Hon'ble THE PRESIDENT said:—"I must rule this motion out of order. It is not an amendment of the Bill. It is a sort of omnibus clause which would require a long series of amendments to give effect to it. The point should have been raised at the time when the Bill was referred to a Select Committee.

The Hon'ble BABU KALI CHARAN BANERJEE moved that the words "either orally or" be omitted from clause (*b*) of section 104A in section 7 of the Bill.

The Hon'ble THE PRESIDENT said:—"The rules will necessarily lay down that oral admissions will have to be read over to the tenants and attested by the Settlement Officer. If you leave in 'in writing' only it might raise a difficulty."

[*Mr. Finucane; Sir Charles Paul; the President; Babu Norendra Nath Sen.*]

The Hon'ble MR. FINUCANE said:—"I would not object to the omission of the words 'either orally or in writing,' and say simply 'accepted.'"

The Hon'ble SIR CHARLES PAUL said:—"I do not think it is necessary. If a raiyat makes an oral statement, that is all he can do. If there is any chance of fraud in that, there is equally a chance of fraud in bringing another man to sign for him."

The Hon'ble THE PRESIDENT said:—"I think we better be guided by the advice of the learned Advocate-General and leave the section as drafted."

The Motion was put and negatived.

The Hon'ble BABU NORENDRA NATH SEN moved that clause (*c*) of section 104A in section 7 of the Bill be omitted. He said:—

"The table of rates is practically based on competition rent. This section leaves the settlement of rates entirely to the Settlement Officer's estimate of what is fairly and equitably payable by raiyats or tenure-holders. Had the table been based solely on existing rents, there would have been very little ground of complaint. As the section is now worded, the assessment of rents is left absolutely to the discretion of the Settlement Officer. If the largeness of area of a particular settlement, such as Orissa, be in view, the Resolution of the Government of India of the 1st August, 1822, is a sufficient answer to the demand of the Government in this Bill for the table. The table was proposed as early then, but it was abandoned. The Rent Commission, appointed in 1884, also made the same proposal, but it was again abandoned. I fail to see why the Government should now ask the Council to adopt it, and I therefore move that the clause be omitted."

The Hon'ble MR. FINUCANE said:—"I oppose this motion. Clause (*c*) of section 104 begins thus: 'If the circumstances are in the opinion of the Revenue Officer such as to make it practicable to prepare a table of rates'; therefore if the circumstances are such as not to make it practicable, a table of rates will not be prepared. Having given many years to the study of this question in almost every district in Bengal, I am confident that in some cases the preparation of a table of rates is practicable, and where it is practicable there is no reason why such a table should not be prepared.

The hon'ble mover of the amendment says that the preparation of a table of rates will leave raiyats to the tender mercies of the Revenue Officer, and that no principle has been laid down for his guidance. I would refer him to section 104D, under which, in preparing a table of rates, the Settlement Officer is bound to have regard to the general principles laid down in the Act regulating the enhancement or reduction of rent; so that he is tied down by the general principles of the Act. As the learned Advocate-General has pointed out, the Revenue Officer will have to justify any table he may prepare to the Confirming and Appellate authorities. He can only justify it by showing that his enhancements were made on the grounds of enhancement prescribed by the Act."

The Motion was put and negatived.

The Hon'ble BABU KALI CHARAN BANERJEE moved that the following be added to clause (*c*) of section 104A in section 7 of the Bill, namely:—

"Provided that any enhancement of rent involved in such a table of rates shall be conditioned by the grounds of enhancement specified in section 30."

He said:—"Section 104A has four clauses which are distinct and which lay down four different methods for the settlement of rents. It has been pointed out to me that there is a proviso in clause (*d*), namely, that in making any settlement regard shall be had to the principles laid down in certain sections of the Act; and that in section 104D it is provided that in framing a table of rates under section 104B and in settling rents under section 104C, the Revenue Officer shall be guided by such instructions as the Local Government may issue in this behalf, and shall, so far as may be, and subject to the proviso to the said section 104C, have regard to the general principles of this Act regulating the enhancement or reduction of rent. The words 'so far as may be,' modify the proviso, with the effect that in preparing a table of rates, Settlement Officers will not be bound to stand by the principles laid down in the Act on the subject. In the second place, the words 'shall have regard to,' mean 'may take into consideration;' so that these words also do not bind Settlement Officers to follow the principles of the Act. That is why I think something more explicit is needed if the intention is that the Settlement Officer shall be guided and governed by the principles laid down in the Act. It is because the provisos do not go far enough that I move this amendment."

[*Mr. Finucane; the President; Babu Kali Charan Banerjee.*]

The Hon'ble MR. FINUCANE said:—"I think sections 104C and 104D sufficiently meet the case. It is not necessary that in settling each particular individual tenant's rent the Settlement Officer should be tied down by the table of rates. If he thinks that the rates given in the table should not be applied in settling any particular raiyat's rent, he is not bound to apply them; therefore the section is made a little more elastic than the Hon'ble Member would have it, and as there is an appeal to the Superior Revenue authorities, it is very unlikely that injustice will be done either by framing rates which are not justified by the principles prescribed in the Act, or by the rigid application of them in settling individual tenant's rents."

The Hon'ble THE PRESIDENT said:—"I think the thing cuts both ways. The Settlement Officer has to find rates which are fair and equitable. It is a matter of judgment, and we say that in forming your judgment you must conform to certain rules and certain principles. Those who have to control settlement work know very well that it must be to a large extent a matter of discretion, based on certain principles of course. Their object is to find rates which are fair and equitable to both sides."

The Motion was put and negatived.

The Hon'ble BABU KALI CHARAN BANERJEE also moved that for the words "such instructions as the Local Government may issue in this behalf" in section 104D in section 7 of the Bill, the words "such rules as the Local Government may make in this behalf" be substituted.

The Motion was put and agreed to.

The Hon'ble MR. FINUCANE moved that the words "and shall cause it to be finally published in the prescribed manner and for the prescribed period" be omitted from sub-section (*3*) of section 104F in section 7 of the Bill. He said:—

"The Hon'ble Babu Norendra Nath Sen will remember that when we discussed this in Select Committee, we came to the conclusion that the Settlement Rent Roll should be incorporated with the record-of-rights, but by a slip of the pen these words were left in this sub-section."

The Motion was put and agreed to.

[*Babu Jatra Mohan Sen.*]

The Hon'ble BABU JATRA MOHAN SEN moved that "twelve months" be substituted for "six months" in both places in which those words occur in sub-section (*2*) of section 104H in section 7 of the Bill. He said:—

"In support of this amendment, it is necessary to see what the present law is. Article 14 of the second schedule of the Limitation Act prescribes a limitation of one year for suits to set aside an act or order of an officer of Government, and by Article 45 of the same schedule of the same Act, the three years' rule has been prescribed for suits to set aside awards under Regulation VII of 1822. As far as the Government as landlord is concerned, awards under Regulation VII of 1822 are similar to those under Chapter X of the Bengal Tenancy Act. Under the old law it was not even necessary for persons to bring suits to set aside awards if they were in possession. They have all a limitation of twelve years from the date they were dispossessed of. That being the state of the law, I submit that a limitation of six months in this section is too short, and I have proposed the moderate course of substituting 'twelve' months for 'six'. It must be remembered that in cases where the Government is a party, either as landlord or tenant, two months' clear notice has to be given under section 424 of the Civil Procedure Code. Practically, therefore, in cases where the Government is a party, the party injuriously affected has only left three months or a little over three months; for some time must be taken after the termination of the notice to file a suit. The difficulties in filing a suit are great. It is necessary to collect materials and to seek legal advice. It may be urged on the other side that proceedings under the Tenancy Act should be concluded in as short a period as possible; it has therefore perhaps been thought necessary to provide a six months' limitation. Under the existing law there is practically no limitation. [The Hon'ble THE PRESIDENT said:—"What was the limitation under Act VIII of 1879?"] I will contend that it was three years. [The Hon'ble THE PRESIDENT said:—"It was four months under that Act: we are giving two months more."] In fact under the Act of 1879 no suit was necessary sometimes, because all these entries might be contested when a suit is brought against a party, and he is not required to bring a separate suit. If any suit is brought against a tenant for rent on the strength of the record, he could even then contest the correctness of the entry, and no suit was necessary to be brought."

[*Mr. Finucane; Babu Jatra Mohan Sen; the President.*]

The Hon'ble MR. FINUCANE said:—"Perhaps I may explain the meaning of this section. The Hon'ble Member has been talking as if this section related to suits in general, whereas it simply relates to cases in which any person is aggrieved by an entry of rent settled in settlement record. It only applies to entries of rents settled in a Settlement Rent Roll, and when any person objects to such entry, he must bring a suit within six months. Under Act VIII of 1879, the *jammabundee* was published, and within four months after that publication suits to set aside settlements had to be brought. The period now proposed is longer than that allowed under Act VIII of 1879. The section leaves the law of limitation in suits regarding right and title exactly as it stood before."

The Hon'ble BABU JATRA MOHAN SEN continued:—"Act VIII of 1879 was repealed. My contention is that the time is too short. The Hon'ble Member in charge of the Bill observed that settlement proceedings should be settled as soon as possible, but that may be done by securing an order to dispose of cases of this kind within six months, just as rent cases are disposed of within that period. In this connection the opinions of distinguished gentlemen have been given, and one of the District Judges, Mr. Gordon said:—".

The Hon'ble THE PRESIDENT said:—"It is simply a question of opinion whether a limitation of six months or of twelve months should be prescribed."

The Motion was put and negatived.

The Hon'ble BABU JATRA MOHAN SEN also moved that the words "or additional rent" be added at the end of clause (*a*) of section 104H in section 7 of the Bill. He said:—

"As at present drafted, this section may be confined only to those cases where the parties held rent-free or revenue-free tenures. I do not think it was intended to limit the scope of this section in that manner. I therefore suggest that the scope of this section be widened by adding the words I have proposed. In that case a suit may be brought by a party where additional rent has been fixed on his tenure or holding, when as a matter of fact no additional rent is chargeable. The principle has been recognised in this very section, because the incidents of the tenure have to be noted, and where the incidents of a tenure or holding have to be noted, it is but fair that

[*Babu Jatra Mohan Sen; Mr. Finucane; the President; Babu Norendra Nath Sen.*]

the parties should also have the right to sue against an additional rent being fixed on their holdings if additional rent has been fixed against any recognized law or principle."

The Hon'ble MR. FINUCANE said:—"I oppose the amendment, but I am not certain whether I understand the meaning of it, if it has any meaning at all. If the Hon'ble Member means that the tenant may sue on the ground that the Revenue Officer has settled a rent in excess of that previously payable and that the land is not chargeable with additional rent, that it is in fact held at a fixed rent, that only means that the tenancy has been recorded in a wrong class for which the section provides a remedy. If on the other hand he means that the party aggrieved should be allowed to sue whenever the rent settled is in excess of the existing rent, whether the status of the tenant has been rightly recorded or not, then his amendment goes against the whole principle of the Bill. If the tenant is recorded in a wrong class, he may sue on that ground. If the record says that he is an occupancy tenant and he claims to be a tenant at a fixed rate of rent, he can sue. But he is not entitled to sue in the Civil Court merely on the ground that the rent settled is too high."

The Hon'ble THE PRESIDENT said:—"We allow an appeal to the Civil Court to discuss the question of status, which is outside the fiscal question of rent. If the words 'or additional rent' be added, the whole question of enhancement of rent comes in, and that is quite contrary to the principle of this Bill."

The Motion was put and negatived.

The Hon'ble BABU NORENDRA NATH SEN moved that after clause (*g*) of section 104H in section 7 of the Bill, the following be added, namely—

"(*h*) that the alteration made in the existing rent by the Revenue Officer has not been made in accordance with, or is not justified by, the provisions of this Act regulating such alterations."

He said:—"The only question of most vital importance to a tenant is the rent which he has to pay; and when his rent has been enhanced, and he is not permitted to contest its justice or legality by a regular suit, it would seem idle to confer upon him the privilege of bringing suits in matters of far less importance to him. Looking at the wording in the beginning of section 104H—

'any person aggrieved by an entry of a rent settled in a settlement rent roll,' and also to the words in sub-section (*4*)—'the Court may settle a fair rent,' and also to the words in sub-section (*6*)—'the Court shall be guided by the rents of the other tenures or holdings of the same class,'—it is clear, the Legislature intended that the raiyat should be allowed to contest the legality of the enhancement in Court. If it were not so, the words at the beginning of the section would be meaningless, and the provision that 'in any other case,' *i.e.*, under clauses *c*, *d*, *e* and *f*, the Court 'shall settle a fair rent' becomes still more unmeaning, because under neither of these clauses, rent is contested, and the Court is not required to settle rents. For clause (*c*) relates to the question whether a tenancy exists, (*d*) whether the land has been wrongly excluded or included, (*e*) that the class to which the tenant belongs is wrongly stated, and (*f*) that the date from which the settlement is to take effect is wrong. If enhancement of rent is not allowed to be contested under this section, then all these provisions, I submit, become perfectly unnecessary. I earnestly appeal to your sense of fairness and justice, Sir, to make this all-important concession in favour of the raiyat. It will be the only possible remedy open to him against much unintentional hardship which the extensive and extraordinary powers, conferred by this Bill on Settlement Officers, might cause."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"The amendment which stands next in the agenda in my name is practically the same as the above, though the wording is somewhat different, namely, that after the said clause (*g*) the following be added:—

> '(*h*) that the enhancement of rent is not justifiable under the provisions of this Act.'

"As has just been observed by my hon'ble friend, this amendment raises a vital question of principle. Under section 104H any person aggrieved by an entry in the record-of-rights is given the power of instituting a civil suit on certain grounds specified in that section. I propose and my hon'ble friend proposes that an additional ground should be included among those which are not covered by the grounds given in the section. The question of enhancement of rents is a vital question to the raiyat, and it does seem to me that in a matter of this great importance, a raiyat should have the opportunity of contesting the decision of the Revenue Officers by filing a suit in the Civil Court. The Hon'ble Mr. Finucane in introducing this Bill made certain observations which encourage

[*Babu Surendranath Banerjee; Mr. Finucane; Sir Charles Paul.*]

me to appeal to him with some confidence. He then said :—'The people of Bengal are rightly zealous of any interference with the powers of the Civil Courts, and that it is to the reign of law impartially administered that they owe the maintenance of their civil rights.'

"And it is because we are anxious about that this reign of law should be maintained unimpared that we appeal to the Hon'ble Member with confidence to accept an amendment which will give the raiyat the right to appeal to law when his rent has been enhanced. Having regard to the well-known sympathy of the Government with the raiyat and to the expression of opinion of the Hon'ble Member in charge of the Bill which I have quoted, I hope your Honour and the Council will see their way to accept this amendment."

The Hon'ble MR. FINUCANE said :—"I regret it is wholly impossible for me to accept these amendments. They are directly contrary to the principle of the Bill as regards the settlement of rents in Government estates. The principle is that the Revenue authorities are the best judges of economic facts, that is to say, of rents and the rates of rent to be fixed for lands of particular classes. But as the Revenue authorities may go wrong on questions of law, it has been provided that if they do, there is a remedy in the Civil Courts; and if an error in law leads to errors in the settlement of rents, then it is also provided that the Civil Court shall settle the rent on the same principle as the Revenue Officer has settled them in similar cases. The principle is that the Revenue Officers are the final authorities to settle what a fair rent should be. To accept the principle contained in the amendment would be tantamount to upsetting the whole principle of the Bill. It would be tantamount to saying that after the Revenue authorities have decided what the fair rent should be, then the raiyat may go to the Munsif's Court and ask the Munsif to fix the rent *de novo*. That, I submit, is preposterous. I adhere to what I said in introducing this Bill about the reign of law, but I also enunciated this principle that there are matters which involve economic questions as to which the Revenue authorities are the best persons to decide, but they too will decide according to law."

The Hon'ble SIR CHARLES PAUL said:—"I also oppose this amendment, which I consider to be in direct contravention of the principle upon which this Bill is based. I regret that I have had to observe in this Council, not on one occasion, but on many occasions, a desire on the part of certain Hon'ble

[*Sir Charles Paul; Babu Surendranath Banerjee; the President.*]

Members to put the hands of the clock back, and they will persevere although the Council has said 'No,' and I venture to believe that if this motion is negatived, some other proposals will be made exactly in the same way against the principle of this Bill. I submit that this mode of proceeding is very much to be deprecated, and I think the intelligent gentlemen whom I see before me will see that they are simply retarding business by asking the Council to go back to a state of things which has long since been left behind."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"I must be permitted to reply to the personal attack which the Hon'ble Member has just made upon me and my colleagues."

The Hon'ble The PRESIDENT said:—"I cannot allow personal matters to be discussed, and I must, in all fairness, say this, that though the ordinary rule of the Council is that the principles of a Bill are settled at the debate when the Bill is referred to a Select Committee, in this particular case the Bill which was referred to a Select Committee was the Bill as it was introduced. But I then made an oral statement that I should propose to the Select Committee to modify the Bill in certain particulars. That modification was not actually before the Council at the time, and therefore I cannot say that the observations which have been laid before us are out of order; because the reference to the Select Committee was an open order to adopt the modification of the Bill which would be proposed by Government. It might therefore be said that the Hon'ble Members who have moved the amendments now before the Council had no opportunity before of stating their views on the Bill as ultimately shaped by Government, and I cannot say that they are out of order, as they would have been had they had the opportunity before. Coming to the point in the Bill now under discussion, I say that we have maintained the reign of law over a great portion of Bengal. We have retained the provisions of the Tenancy Act with regard to permanently-settled estates, but even in that law it is acknowledged by the Hon'ble Mr. Finucane, and by every authority on the subject, with a few exceptions, that the Revenue Officers are the best authorities to deal with fiscal questions, such as the fixing of rents. In the Act an appeal was given to a Special Judge, but it was distinctly said that the special officer so appointed need not be the Civil Court. It was open to the Government to appoint a Commissioner of Division or any high authority not under the Civil Courts

to be the Special Judge. There was nothing in the law to compel the Government to appoint a Judicial Officer. And the general admission has all along been that for the purpose of settling fiscal matters, such as the rates of rent, the Revenue Officers are the best authorities. In respect of all permanently-settled estates we proposed to bring the whole procedure in connection with rent under the Revenue authorities, as it is in every other Province in India, and as it used to be in Bengal itself, our proposal did not find acceptance with Judicial Officers and zamindars generally. The fact that Revenue Officers are well qualified to judge in such matters has, however, been shown by the fact that the British Indian Association, who at first opposed the proposal to give jurisdiction to Revenue Officers, have actually moved the Council to compel Munsifs to refer all questions relating to rents to Revenue Officers, and to be guided by the decisions of such officers. The Select Committee have, however, not seen their way to give effect to that proposal, and I am not prepared to propose it. I think the zamindars on their part have made a mistake, but the Council have accepted the principle of keeping the Special Judge in respect of permanently-settled estates. But in respect of Government estates we maintain the principle that the Revenue authorities are the parties to settle all questions of rent. As I said at starting, had we strictly adhered to the principle of the Bill as it was referred to the Select Committee and not altered it to the lines on which it stands now, the Hon'ble Members who move this amendment would have been out of order, but as matters stand now, I cannot say that they are out of order."

The Motion was put and negatived.

The Hon'ble BABU SURENDRANATH BANERJEE, by leave of the Council, withdrew the motion of which he had given notice that after clause (*g*) of section 104H in section 7 of the Bill, the following be added, namely:—

"(*h*) that the enhancement of rent is not justifiable under the provisions of this Act."

The Hon'ble BABU JATRA MOHAN SEN moved that after clause (*g*) of section 104H in section 7 of the Bill, the following be added, namely—

"(*h*) that the settlement of rent has been made against the terms of a contract, express or implied, or other incidents, binding upon the parties."

He said:—"Practically a concession has been made to parties injuriously affected to bring suits to establish that the incidents of their tenancy or

holding have been wrongly recorded or have been omitted altogether. My amendment purports to give the right of suit to contest rents settled against the terms of a contract or against the incidents of their tenures or holdings. The amendment will have the effect of making the section more exhaustive. The right does not seem to have been taken away, but the object of the amendment is to make it more clear."

The Hon'ble MR. FINUCANE said:—"The hon'ble mover of the amendment does not seem to have examined section 110 (*b*), which provides that 'if the existing rent has been fixed by a contract binding between the parties for an unexpired term of years, the rent settled shall take effect from the expiration of that term.'"

The Motion was, by leave of the Council, withdrawn.

The Hon'ble Mr. FINUCANE moved that the following be inserted at the end of sub-section (*3*) of section 104H in section 7 of the Bill, namely:—

"The Secretary of State for India in Council shall not be made a defendant in any such suit unless the Government is landlord or tenant of the land to which the aforesaid entry relates or in respect of which the aforesaid omission was made."

He said:—"The section here referred to is the section we have been discussing regarding the right of any person to sue who is aggrieved at the entry of the rent settled in a settlement rent-roll. I should have thought it obvious that if the tenant is aggrieved, he should sue the landlord, or if the landlord is aggrieved, he should sue the tenant; but the obvious meaning of the section has been taken to be not the true meaning, and therefore I want to make it clear. It has been suggested that the Government should be sued, as the Government is responsible for the acts of the Revenue Officers. I move for the insertion of these words to make it clear that the Revenue Officer or Government is not to be sued in such cases except where Government is directly interested as landlord or tenant; it would be just as reasonable to sue a Judge or Government whenever a Judge gives an erroneous decision in a case in which Government has no immediate interest."

The Hon'ble SIR CHARLES PAUL said:—"There is a notion prevailing that the Government is liable for the wrongful acts of their servants but Sir Richard Garth ruled that the Government is not liable. I quite agree with the

Hon'ble Member in charge of the Bill that there is a tendency to bring in the Government whenever it can be done, and in order to avoid that I think this is a very proper amendment."

The Motion was put and agreed to.

The Hon'ble BABU JATRA MOHAN SEN moved that sub-section (*6*) of section 104H in section 7 of the Bill be omitted. He said :—

"This section is not at all necessary. It provides that 'in settling a fair rent under sub-section (*4*), the Court shall be guided by the rents of the other tenures or holdings of the same class comprised in the same settlement rent-roll, as settled under sections 104A to 104F.' It may so happen that in one village there may be many tenants of the same class, but very few of them may choose to bring suits in the Civil Courts to maintain their position against the settlement authorities. If their rents are to be settled on a comparison with the rents of other persons who hold similar lands, but do not choose to bring suits, the decree of the Civil Court will be nullified. As ample power has been given to the Court to settle fair rents under sub-section (*4*), I do not think this sub-section is at all necessary. [The Hon'ble THE PRESIDENT said:—" You are aware that it is the existing law under section 108 of the Tenancy Act: it is simply reproducing the words of that section."] No doubt it is so, but in that case the Courts have ample discretion. But here the Courts are confined to the particular rate fixed by the Settlement Officer, and for aught we know other tenants may not care to bring suits to establish their position. Sub-section (*4*), I submit, is quite enough for the purpose and sub-section (*6*) is not at all necessary, if the Courts are guided by just principle and by the provisions of this Act. If, on the other hand, they are to be guided simply by the rent-roll of tenants of the same class, many of whom may not appear to contest the rent therein fixed, it would rather be hard upon those who do bring suits."

The Hon'ble MR. FINUCANE said:—" I oppose this amendment. As the Hon'ble the President has already pointed out, this provision only reproduces the present law."

The Motion was put and negatived.

[*Babu Jatra Mohan Sen; Sir Charles Paul; Mr. Finucane.*]

The Hon'ble BABU JATRA MOHAN SEN also moved that for the word "deemed" in section 104J in section 7 of the Bill, the words "presumed until the contrary is proved" be substituted. He said:—

"To settle matters of this kind, section 103B provides that a certificate signed by the Revenue Officer stating that a record-of-rights has been finally published shall be conclusive evidence of such publication; and every entry in a record-of-rights so published shall be presumed to be correct until the contrary is proved. I submit that section 104J should be worded on the same lines as section 103B, and therefore I move this amendment."

The Hon'ble SIR CHARLES PAUL said:—"The Hon'ble Mover of the amendment wants, after it is finally settled what is a fair and equitable rent, to go back and say it shall be presumed to be correct until the contrary is proved."

The Motion was put and negatived.

The Hon'ble BABU JATRA MOHAN SEN also moved that for the word "deemed" in section 8 of the Bill, the words "presumed until the contrary is proved" be substituted. He said:—

"Section 8 refers to a past record. It provides that all records published under section 105 of the Bengal Tenancy Act, 1885, before the amendment of this Act, whether in draft or in final form, shall be deemed to have been duly published. As we are going to give retrospective effect to past proceedings, we must look to the state of the law at the time, and to the impression of the people as to the law they are under. As far as the district of Chittagong is concerned, the people are under the impression that it was not necessary for them to contest the proceedings of the revenue officers. They preferred to have their rights settled in the Civil Court, and with that idea they have not contested any of the decisions or settlement of rents before the Settlement Officers. Therefore, if this section is passed, it will operate great hardship upon the people."

The Hon'ble MR. FINUCANE said:—"Section 8 only reproduces the wording of section 105 (*2*) of the present Act, which provides that the publication of records shall be conclusive evidence that the record has been duly made. It is no new principle, and therefore I oppose this amendment."

[*Babu Jatra Mohan Sen ; the President ; Babu Norendra Nath Sen ; Babu Surendranath Banerjee ; Mr. Finucane.*]

The Hon'ble BABU JATRA MOHAN said :—"Under section 109 of the same Act, all undisputed entries can be disputed in the Civil Courts."

The Hon'ble THE PRESIDENT said :—"It would be very convenient if Hon'ble Members who have just joined the Council would place themselves in communication with the Hon'ble Member in charge of a Bill so as to ascertain the meaning and intention of the Bill before proposing amendments that are futile and worthless."

The Motion was put and negatived.

The Hon'ble BABU NORENDRA NATH SEN moved that section 9 of the Bill be omitted. He said:—

"This section seems to me to be obviously inequitable. It proposes to give retrospective effect to the present Bill, which has been protested against by all Judicial Officers. Under the rulings of the High Court, the Settlement Officers' decisions were not conclusive, and, therefore, most people did not appeal. To make these decisions final and conclusive now would be to take away the existing rights of the parties without any reason whatever."

The Hon'ble BABU SURENDRANATH BANERJEE said :—"The same Motion stands in my name. It is a question of principle that I desire the Council to consider. Before this Bill is passed into law, certain rights will have accrued to the parties concerned, and these rights, it is now proposed to take away by the Bill giving retrospective effect to settlements made before the commencement of this Act. That seems to me to be wrong in principle. This is *the one* section of the Bill which has been condemned by the *Englishman* newspaper while according a general support to the provisions of the Bill. The reasons are not stated, but this is the one blot which the *Englishman* lays its fingers upon, and I hope the Hon'ble Member in charge of the Bill will not mar the character of his Bill by introducing a principle of this kind."

The Hon'ble MR. FINUCANE said:—"I regret I cannot accept this amendment. All the section does is to declare that every settlement of rent in

respect of which an appeal has not been preferred shall be held to be final and correct. That is the existing law. When there is no dispute there is no decision and no decree. But where there has been a dispute, the Revenue Officer is bound to treat the dispute as a civil suit and to decide it, and when he has done so and given his decision; my hon'ble friend says if that decision is accepted by the parties and is not appealed against, it is not to be final, but if it has been appealed against, it may be taken as final. In other words, decisions that have been accepted by the parties are to have no finality. I do not see the slightest danger of any injustice arising from this section. It is only decisions that are made final. More undisputed entries have only presumptive value of correctness attached to them under this Bill, just as they had under Chapter X of the Tenancy Act."

The Hon'ble THE PRESIDENT said:—"There can be no possible doubt to any one who has studied the proceedings in connection with the passing of the Tenancy Act, that it was the intention of the framers of that Act, that the proceedings of the Revenue Officers and of the Special Judge should be final. Possibly the idea got abroad that these proceedings were not *res judicata*, but the tendency of the more recent decisions is to the effect that they are; and I am certainly of opinion that if they are not, they ought to be declared to have that effect, and that we ought not to stimulate a crop of litigation, which might be very agreeable to gentlemen of the legal profession but to nobody else. This is an equitable provision in the Bill, and the Government have no intention to withdraw from it."

The Motions were put and negatived.

The Hon'ble BABU JATRA MOHAN SEN moved that at the end of sub-section (*1*) of section 9 of the Bill, the following be added, namely:—

"Provided also that a suit may, within three years from the commencement of this Act, be instituted in a competent Civil Court to contest the correctness of any settlement of rent made in an uncontested case, or the correctness of any decision of a dispute."

He said:—"In considering this amendment let us see what rights have been conferred upon the people with regard to future settlements. Section 104H,

clause (*c*), gives certain rights to parties to sue in the Civil Court. Under the present Act no such suit is necessary, and people were under the impression that they had a right to institute a suit in the Civil Court to contest entries whenever a suit is brought against them. It is just that some time should be given to the parties, when retrospective effect is going to be given to past records, to contest their rents in the Civil Court. I have suggested three years, because the people of my part of the country have suffered lately from the effects of a cyclone and also from scarcity. If three years be given to contest an award under settlement proceedings, no hardship will accrue. But when retrospective effect is going to be given to past records, the justice of the case requires that some such time should be given to parties to have the records corrected. The people are strongly of opinion that their rights are not affected by the settlement records, and cannot be better expressed than in the words of Mr. Pargiter, who says that the people, rightly or wrongly, regulated their conduct in the belief that they had a right to bring a civil suit, and they did not think it worth while to contest these matters before the Revenue Officers. The Rulings of the High Court have been to the effect that Settlement Officers have no power to decide disputes between landlords and landlords or between tenants and tenants; nor have they power to fix the rent of a tenure or holding which the tenant claims to hold rent free. The recent ruling of the High Court to which reference was made by the Hon'ble Member in charge of the Bill, did not declare that the decisions of Revenue Officers operate as *res judicata*. The questions before the Judges in those cases, there were several cases—were whether the Special Judge had power to review his own judgment, and whether an appeal lay to the High Court on questions of rent. In deciding those cases, one of the Judges held that the power of review was inherent in Judges, and he also held that the review sections of the Civil Procedure Code applied to cases tried by Settlement Officers and the Special Judge. The main question has not been touched in those cases, and the previous judgments were not reversed. That being the impression of the people, when retrospective effect is going to be given to past records, I submit that some time should be given to the parties interested to contest the entries in the records in the Civil Courts."

The Hon'ble Mr. Finucane said:—"This amendment is opposed to the conclusion just come to on the previous amendments, that settlement of rents

and decisions by Revenue Officers are final. It is proposed by this amendment to give a period of three years to contest them."

The Hon'ble THE PRESIDENT said:—"Whatever the impression of the people might have been, the fact remains that in Chittagong the rents fixed were so moderate that they have not only been accepted, but they have been paid, and I think the people will be very unwilling to waste their money, trying to upset the decisions now, after they have accepted them and have paid their rents, notwithstanding that the lawyers may incite them to the contrary."

The Motion was put and negatived.

The Hon'ble Mr. FINUCANE moved that the Bill, as settled in Council, be passed. He said:—

"I shall be very brief. I desire to explain that when I spoke of the Government of Bengal having been accused of being too much in favour of the raiyats, I had not in my mind anything said by Hon'ble Members but what has been said outside. I do not complain of the time which has been taken up by the hon'ble movers of the amendments in the discussion which has taken place. The time which has been occupied in this discussion is only 2 hours and 10 minutes, and I cannot consider that unreasonable, nor can I complain of the Hon'ble Member from Chittagong trying to effect something which he conceived to be favourable to the people of that district. In proposing that the Bill be now passed, I will only express the hope that the Bill will effect the objects for which it was introduced, namely, that it will afford reasonable facilities for the enhancement of rents where rents ought to be enhanced, without at the same time unjustly affecting the interests of raiyats or endangering them.. I hope also that the Bill will clear up doubts and difficulties which have arisen in the working of the present Act. And above all I hope that the Bill as now amended will continue to be the law of landlord and tenant in Bengal for at least a generation, and that there will be no unsettling of the law or interference with it for many years to come. The principles on which settlements of rents are to be made under this Bill are eclectic and elastic, and I hope one or other of them will suit the varying conditions of things in the different parts of this vast Province, and that the

[*Mr. Finucane; the President.*]

Bill will in the course of time be found in its operation to be fair and just alike to landlords and tenants and to Government."

The Hon'ble THE PRESIDENT said:—"I congratulate the Council and the Hon'ble Member who has been in charge of this Bill that it has at last reached the final stage, and I hope that it will prove satisfactory in its working. It consists really of three parts, as it were: The first part contains certain amendments of the substantive law of rent, the second enacts certain amendments of the law of the settlement of rents in permanently-settled estates, and the third part contains provisions, which I hope will prove effective, for a complete and sound settlement law for temporarily-settled estates and Government estates and such estates as may, under the provisions of the law, have that part of the Bill extended to them throughout Bengal. The amendments in the substantive provisions of the law of rents are, it has been said, favourable to zamindars. I am not much concerned to deny that, but I believe that the concessions which have been made are reasonable and just, certainly not extravagant, and merely such modifications as are required to give effect to the intention of the Legislature in 1885. I have throughout my official life fought many battles for the raiyats, but I have always endeavoured to maintain an open mind as to the merits of the rent controversy on both sides, and it is a satisfaction to me that I have been able to see my way to support amendments of the substantive law in the direction which they have taken in this Bill. It is a matter of special satisfaction that we have at last succeeded in giving Bengal a proper law of revenue and rent settlement. The old settlement procedure under the Regulation of 1822 was undoubtedly good enough, and many good settlements, both of revenue and of rent, were carried out under those provisions, and the discretion of the Revenue Officers was then unfettered by positive enactment. When the Rent Law, X of 1859, was passed, it was declared to apply to the proceedings of Settlement Officers. I will not go through the whole history of the course of legislation, as I think it was given at very considerable length in the Hon'ble Mr. Finucane's opening speech when introducing the Bill and in the papers connected with the Bill. But there can be no doubt whatever, and it has been held in this Council repeatedly within the last twenty years, that it is a crying want in Bengal that we should have a proper law of settlement. The Legislature in 1885 sought to effect it by placing the Government and the

[*The President.*]

zamindars on the same platform and providing for the appointment of Special Judges, intending, as I said this morning, that the proceedings of such officers in dealing with rent questions should be final. Unfortunately this intention was frustrated in some parts of the country by both raiyats and tenure-holders being advised to keep away from the Settlement Officers and to take their chance in the Civil Courts. As I have already remarked, I see very little prospect of their following the very bad advice they are receiving; for in Chittagong the rents of tenure-holders are being paid without the slightest difficulty or objection, and the same is the case also in Orissa, I am happy to state, where the settlement is proceeding through its stages in a remarkably satisfactory manner, and the proposals of the Revenue Officers are being accepted by the people. The Government is always moderate in its settlement of revenue, but in a settlement which is being effected after 60 years, it must be expected that something will be taken out of the pockets of the zamindars; but I hope it will be in a large measure made up to them by a moderate enhancement of rents, and in a very short time by the growth and development of the country and by the opening out of new railways. The settlement of Orissa will be for a term of thirty years, and it is hoped that circumstances will during that period so considerably improve as to take away almost all the sting of bitterness out of the enhancement of revenue which the Government has had to lay upon the landholders. In the third part of the Bill relating to permanently-settled estates, the Government has endeavoured and the Select Committee have endeavoured to make the procedure more simple and cheap, and to remove all difficulties of construction of sections which have arisen since the passing of the Act of 1885. I congratulate the Council and myself on the passing of this Bill."

The Motion was put and agreed to.

[*Mr. Risley.*]

BENGAL FINANCIAL STATEMENT FOR 1898-99.

The Hon'ble MR. RISLEY laid on the table the Financial Statement for 1898-99, with explanatory notes.

PART I.—General Review.

(1) ACCOUNTS OF 1896-97.

In the Financial Statement which was laid before the Council on the 27th March 1897, it was assumed that the year 1896-97 had opened with a credit balance of Rs. 58,20,000, and had closed with a balance of Rs. 41,07,000, that the total amount available for expenditure during the year was Rs. 5,22,01,000, and that of this sum Rs. 4,80,94,000 had been spent. The actual result proves to have been worse than this estimate by Rs. 1,52,581. The amount actually available for expenditure was Rs. 5,26,72,062, but the amount actually expended during the year amounted to Rs. 4,87,17,567, thus leaving a closing balance of Rs. 39,54,495, against Rs. 41,07,000, anticipated in March 1897. This reduction is chiefly due to excess expenditure under Famine Relief and to the grant of grain compensation allowance to certain Government servants on low pay.

2. There was an increase of 4¾ lakhs on the receipt side, of which Rs. 2,36,000 were under "Irrigation and Navigation," due to (1) enhanced receipts under water-rates owing to the great demand for canal water caused by the failure of rainfall, (2) better collections arising from the high prices obtained by the cultivators, (3) the realization of arrear demands on the Orissa and Sone Canals, and (4) larger receipts from transport of rice. There was also an increase of Rs. 1,12,000 under Stamps owing to the execution of a large number of mortgages and deeds of sale in consequence of the prevailing scarcity and failure of crops; and of Rs. 82,000 under Jails due to larger sales of manufactures to the Military Department.

3. The increase of expenditure was chiefly under the heads of Land Revenue (Rs. 50,000), Law and Justice—Courts of Law (Rs. 64,000), Jails (Rs. 1,22,000), Police (Rs. 1,09,000), Education (Rs. 66,000), and Famine Relief (Rs. 3,05,000.) The increase under Courts of Law was due partly to payments of compensation for dearness of provisions, and partly to increased expenditure under Salaries, and that under Jails to larger purchases of grain made in the two closing months of the year. The increase under Police

was due partly to the opening of new outposts and to an increase in the number of Inspectors and Sub-Inspectors and payment of their travelling allowances, but chiefly to compensation for the dearness of food-grains, a concession which was extended to the constables employed on watch and ward duty on railways and as punitive police.

4. The total expenditure on Famine Relief for 1896-97 as passed by the Government of India amounted to Rs. 23,00,000, thus—

	India. Rs.
Imperial	.....
Provincial	18,50,000
Local	4,50,000
Total ...	23,00,000

The total expenditure in 1896-97 amounted to Rs. 24,42,082, of which Rs. 2,86,816 has been taken against Local, and the balance, Rs. 21,55,266, against Provincial. The details of the Provincial expenditure are shown below:—

	Rs.	Rs.
Expenditure by Civil Department—		
Salaries and establishment	51,228	
Relief works	11,34,607	
Relief to people employed otherwise than on relief works	106	
Gratuitous relief...	4,54,676	
Miscellaneous	1,94,865	
		18,35,482
Expenditure by Public Works Department—		
Civil Works Branch—		
Original Works { Civil buildings	2,445	
Original Works { Communications	1,19,178	
Original Works { Miscellaneous public improvements	89,727	
	2,11,350	
Establishment	27,842	
Tools and plant	32,739	
Suspense	16,365	
		2,88,296
Irrigation Branch—		
Works for which Capital and Revenue Accounts are kept—Revenue	4,024	
Works for which neither Capital nor Revenue Accounts are kept	10,620	
Agricultural works in the districts of Champaran and Nadia	16,844	
		31,488
Total		21,55,266

5. The actual net result was a deficit of Rs. 18,65,581, against Rs. 17,13,000 anticipated when the revised estimate for the year was passed.

REVISED ESTIMATE FOR 1897-98.

6. The budget estimate for 1897-98 as passed by the Government of India accepted Rs. 41,07,000 as the opening balance, and provided for receipts aggregating Rs. 4,54,83,000 and the expenditure Rs. 4,85,90,000, so that the year should close with a balance of Rs. 10,00,000. The revised estimates now passed by the Government of India provide for a total revenue of Rs. 4,61,07,000 and the expenditure of Rs. 4,95,22,000. The net result is a deficit of Rs. 34,15,000, against Rs. 31,07,000 anticipated last year. The chief cause of this falling off is due to the debit of Rs. 30,78,000 under Famine Relief, against Rs. 22,18,000, originally estimated. When the estimates for the year were passed by the Government of India in March 1897, it was anticipated that Local Funds would be able to contribute Rs. 8,17,000 towards the total outlay on Famine Relief measures, and that of the remainder, Rs. 22,18,000 would be borne by Provincial Funds, this being the sum which those revenues could bear without reducing the Provincial balance below half the minimum of 20 lakhs prescribed by the Secretary of State as the working balance in ordinary years. As Local Funds have hitherto contributed Rs. 3,56,000 only against Rs. 8,17,000 estimated in March 1897, the Government of India have directed that the Provincial Revenues must make good the amount (Rs. 8,17,000—Rs. 3,56,000= Rs. 4,61,000) which the local bodies are unable to pay, and have accordingly reduced the closing balance of the Local Government from Rs. 10,00,000 to Rs. 5,39,000. The chief difficulty in realizing the full amount of contribution estimated in March 1897 lies in the fact that the Local Funds of the districts in which famine was anticipated, but was not actually declared, cannot fairly be called upon to contribute to expenditure incurred outside those districts, while in others the repairing of damages caused by the earthquake and the measures for the prevention of bubonic plague are likely to tell heavily on their resources, so that there may be some practical difficulty in enforcing the full liability originally imposed. The question what contribution can be demanded is under the consideration of Government.

7. On the receipt side the revenue is expected to show an increase, as stated above, from Rs. 4,54,83,000 to Rs. 4,61,07,000, or by Rs. 6,24,000. Of this, Rs. 4,00,000 are under Provincial Rates, owing to the increase of cess demands from revaluations, and Rs. 3,65,000 under Irrigation and Navigation, from larger collections of water-rates on the Sone Canals owing to the dryness of the earlier part of the year and the consequent high demand for water. There

are also small increases under Stamps (Rs. 1,31,000), Jails (Rs. 1,02,000) and Marine (Rs. 1,46,000). Against these increases there are decreases of Rs. 3,00,000 under Excise, owing to the prevailing scarcity and high prices of food-grains, in consequence of which a large number of licenses have remained unsettled in some districts, while in others settlements could only be effected at reduced rates; and Rs. 2,57,000 under Miscellaneous, owing to partition fees and fees for Government audit of Incorporated Local Funds being now adjusted in reduction of charges instead of being credited to that head.

8. The net increase of expenditure is Rs. 9,32,000, which is made up of an increase of Rs. 8,60,000 under Famine Relief, the reason of which is explained in paragraph 6 above, and of Rs. 1,26,000 under Irrigation and Navigation, owing chiefly to an adjustment of the value of stock in the Dehri workshops, which is being transferred from Imperial to Provincial account. There are also increases in the Civil Department due to the grant of compensation to the lower paid servants of Government for the dearness of provisions, which is estimated by the Accountant-General at nearly five lakhs, of which Rs. 1,32,000 appears under Law and Justice—Courts of Law, and Rs. 2,70,000 under Police, while the balance is distributed under several other heads. Expenditure in the Medical Department has been increased by charges in connection with the suppression of plague, and by the cost of the camp at Raniganj for pilgrims to the Hedjaz. Against these increases, savings are anticipated under Land Revenue (nearly two lakhs), owing to partition fees being adjusted in reduction of charges instead of being credited separately under the head Miscellaneous.

BUDGET ESTIMATE, 1898-99.

9. The budget estimate for 1898-99 as passed by the Government of India adopts Rs. 5,39,000 as the opening balance, and places both receipts and charges at Rs. 4,55,30,000, so that the closing balance will be the same as the opening balance. Compared with the budget estimate for 1897-98, the total receipts for 1898-99 show a small increase of Rs. 47,000, while, as compared with the revised estimate, there is a falling off of Rs. 5,77,000. This reduction is due to a special assignment of Rs. 6,23,000 having been made from the Imperial Revenues in 1897-98 for survey and settlement charges which is not to be repeated in 1898-99. The receipts from the Forest Department are expected to bring in less revenue owing to the cessation of the sleeper operations in the Singhbhum Division, while the increase of revenue under Irrigation and Navigation realised in 1897-98 from water-rates in the Sone Canal is not expected to recur. The receipts under Marine also show a decrease. On the

other hand the Excise revenue is expected to recover with the general improvement of agricultural prospects, and increased receipts are looked for under Provincial Rates from the revaluation of estates. On the expenditure side the total grant is Rs. 4,55,30,000 against Rs. 4,85,90,000, the budget estimate for 1897-98, and Rs. 4,95,22,000, the revised estimate for the year. The reduction is chiefly due to no provision being made for Famine Relief, to the elimination of the grants for the administration of the South Lushai Hills which has been transferred to the Assam Administration from the 1st April 1898, and to the necessity of bringing the expenditure within the receipts of the year. The budget is explained somewhat more fully in the following part of the statement.

PART II.—Detailed Remarks on the Budget for 1898-99.

RECEIPTS.

10. *Land Revenue.*—The total collections under this head in 1896-97 were Rs. 3,87,68,379, and the estimate for 1898-99, including Rs. 7,51,000 for recoveries on account of the Bihar survey charges, amounts to Rs. 4,08,73,000. The increase is chiefly noticeable under collections from Government estates which are estimated at Rs. 48,67,000 against Rs. 33,99,796, the actuals of 1896-97. The increase is chiefly due to the increased demands arising from the recent settlement operations which a bumper harvest will render it possible to collect. The adjustments between Imperial and Provincial will probably result in a net transfer of Rs. 17,11,000 to Imperial in 1898-99, as shown below :—

	Rs.
Fixed contribution to Imperial Revenues under the terms of the Provincial Contract	14,19,000
Add—	
Contribution to Assam Administration for transfer of the South Lushai Hills	3,00,000
Total ...	17,19,000
Deduct—	
Special assignment for additional junior scholarships to pupils in Assam in recognition of the Jubilee ...	3,000
Grant for transfer of Imperial buildings to the charge of local agency	5,000
Total ...	8,000
Net sum to be transferred to Imperial Funds ...	17,11,000

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11. The estimated Provincial share of Land Revenue is arrived at as follows:—

	Revised Estimate, 1897-98.	Estimate 1898-99.
	Rs.	Rs.
Gross Land Revenue	3,99,00,000	4,08,73,000
Deduct 12 per cent. on estimated collections from Government estates (Provincial) ...	5,40,000	5,84,000
Deduct on account of recoveries of Bihar Survey and Settlement charges (Imperial)	6,88,000	7,51,000
Total deduction ...	12,28,000	13,35,000
Net amount divisible between Imperial and Provincial	3,86,72,000	3,95,38,000
Provincial share of above	96,68,000	98,84,000
Deduct on account of adjustments ...	7,69,000	17,11,000
Net ..	88,99,000	81,73,000
Add 12 per cent. on collections from Government estates	5,40,000	5,84,000
Total Provincial share ...	94,39,000	87,57,000

12. *Stamps.*—The budget estimate of the total revenue from Stamps for 1897-98 was passed by the Government of India at Rs. 1,74,25,000. The actuals in 1896-97 amounted to Rs. 1,75,74,296, and the latest returns from the Comptroller-General show that the receipts during the first eleven months of 1897-98 exceeded those of the corresponding period of the preceeding year by Rs. 64,000. As, however, a part of this increase must have been due to the execution of a large number of bonds and documents on account of scarcity, the revised estimate for 1897-98 has been placed at Rs. 1,76,00,000 and the estimate for 1898-99 at Rs. 1,76,56,000. The Provincial share is three-fourths of this sum, and amounts to Rs. 1,32,42,000.

13. *Excise.*—The budget estimate of the total revenue under this head for 1897-98 was Rs. 1,34,50,000 against Rs. 1,33,99,312, the actuals of 1896-97; but as the settlements of excise shops up to 31st May 1897 showed, owing to the scarcity then prevailing, a decrease of Rs. 4,01,124 as compared with the results of the corresponding period of 1896-97, the estimate was reduced to Rs. 1,28,00,000 in December 1897. The Comptroller-General's latest statement shows that the revenue has gradually begun to revive, and the revised estimate for 1897-98 has been passed for Rs. 1,28,50,000. The estimate for

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1898-99 has been placed at Rs. 1,32,50,000, and the Provincial share of one-half amounts to Rs. 66,25,000.

14. *Provincial Rates.*—The actual collections of the Public Works Cess in 1896-97 amounted to Rs. 43,07,112, and the receipts in the first 10 months of 1897-98 showed an increase of Rs. 1,18,679 over those of the corresponding period of the preceding year. The revised estimate for 1897-98 has accordingly been raised to Rs. 44,30,000. The receipts from the general rate for the management of private estates aggregated Rs. 1,50,199 in 1896 97 and showed an increase of Rs. 19,148 in the first 10 months of 1897-98 over those of the receipts of the preceding year. The total estimate of collections for 1897-98 has accordingly been placed at Rs. 46,00,000.

15. *Forests.*—The receipts under this head have been entered at Rs. 2,67,000 less than the revised estimate for 1897-98, as the demand for sleepers for the Rai Bareilly-Benares Railway has now ceased, and no further departmental timber operations are contemplated. It is expected that Rs. 8,60,000 will be realised from timber, &c., received by purchasers.

16. *Registration.*—The budget estimate under this head for 1897-98 was Rs. 14,20,000 against Rs. 15,44,695, the actuals of 1896-97. The receipts both in the latter part of 1896-97 and in the first six months of 1897-98 were comparatively large on account of the large number of bonds, mortgages and deeds of sale registered owing to the prevailing scarcity; and the revised estimate for the year has been placed at Rs. 15,50,000. The increase in registration is not expected to continue during the current year, and the estimate has accordingly been placed at Rs. 15,10,000.

17. *Law and Justice—Courts of Law.*—The receipts from magisterial fines still continue to decline. The revised estimate for 1897-98 has been placed at Rs. 7,90,000 and the estimate for 1898-99 at Rs. 7,96,000 against Rs. 8,22,122, the actuals of 1896-97.

18. *Jails.*—The estimate under this head is Rs. 10,06,000 against Rs. 9,70,703, the actuals of 1896-97. The increase is mainly due to larger supplies of manufactures to the Military Department and the Police.

19. *Police.*—The estimate under this head is Rs. 2,22,000 against Rs. 2,42,000, the revised estimate for 1897-98, and Rs. 1,88,460, the actuals of 1896-97. The increase is due to larger recoveries on account of police supplied to railway companies and for punitive police.

20. *Marine.*—The budget estimate for 1897-98 was Rs. 9,54,000 which has been raised to Rs. 11,00,000 in the revised estimate with reference

to the actuals of the first ten months of the year. The increase is mainly under pilotage receipts in Calcutta, which fluctuate with the tonnage of vessels visiting and leaving the port. The estimate for 1898-99 is Rs. 10,00,000.

21. *Education.*—The estimate under this head amounts to Rs. 6,62,000 against Rs. 5,99,000, the revised estimate for 1897-98, and Rs. 5,64,666, the actuals of 1896-97. The improvement is due to the inclusion of receipts from the Eden Hindu Hostel, and to larger receipts anticipated from the Kurseong Boys' and Girls' Boarding Schools.

22. *Scientific and other Minor Departments.*—The total receipts for 1898-99 are estimated at Rs. 2,31,000 against Rs. 2,19,000, the revised estimate for 1897-98, and Rs. 2,03,980, the actuals of 1896-97. The increase is expected partly from larger sales of quinine and partly from receipts on account of the hostel attached to the Veterinary Institution at Belgachia.

23. *Miscellaneous.*—The receipts under this head amount to Rs. 6,94,000 against Rs. 9,35,000, the budget estimate for 1897-98, and Rs. 9,13,956, the actuals of 1896-97. The decrease is due chiefly to partition fees being now adjusted in reduction of charges in the Land Revenue budget instead of being credited to Miscellaneous, and partly to the fees for Government audit of Incorporated Local Funds being now adjusted by deduction from the Provincial expenditure of Civil offices of Account and Control in the General Administration Budget.

24. *Irrigation.—Direct receipts from Major Works.*—The budget estimate of direct receipts for 1897-98 was Rs. 16,50,000, and the revised estimate has been taken at Rs. 20,00,000; the reason of the increase of Rs. 3,50,000 is that on all the canals the collection of water-rates and the navigation receipts and on the Midnapore Canal the miscellaneous receipts are expected to exceed the budget. The actual receipts during 1896-97 were Rs. 19,09,613, of which the sum of Rs. 13,05,121 was from water rates only. The budget estimate for 1898-99 is Rs. 17,02,000.

25. *Civil Works.*—The estimate of receipts in charge of the Public Works Department is Rs. 1,93,000, which is the same as the budget estimate for 1897-98. The actuals in 1896-97 were Rs. 2,71,369, but they included Rs. 36,507, being profits of the Calcutta Workshops, and Rs. 63,649, being the Government share of the surplus profits of Darjeeling-Himalayan Railway for the year ending 30th June 1896. The estimate of receipts from works in charge of the Civil Department is Rs. 2,58,000, and Rs. 11,000 for rent of staging bungalows, which are credited under this head from 1897-98 instead of under the head Miscellaneous as heretofore.

[*Mr. Risley.*]

EXPENDITURE.

26. *Refunds and Drawbacks.*—The total Provincial expenditure in 1898-99 is estimated at Rs. 1,78,000, against Rs. 1,73,000, the revised estimate for 1897-98, and Rs. 1,86,744, the actuals of 1896-97. The actuals for 1896-97 included some special payments in the district of Faridpur to claimants of mesne profits which had been credited to Government under Land Revenue. Larger provision has been made under Stamps owing to the anticipated increase in revenue.

27. *Land Revenue.*—The total Provincial expenditure for 1897-98 was originally estimated at Rs. 45,71,000, but in the revised estimate this has been reduced to Rs. 43,85,000, owing to partition fees having been adjusted, under the orders of the Comptroller-General, in reduction of charges, instead of being credited to Miscellaneous, as heretofore. The excess expenditure under the head of grain compensation allowance has been counterbalanced by savings due to lower rate of exchange compensation allowance. The estimate for 1898-99 is Rs. 40,48,000, which includes a provision of Rs. 4,65,000 for Survey and Settlement charges, against Rs. 8,06,000 provided for in the budget for 1897-98. The following are the details of the charges under these heads for 1898-99:—

	Surveys.	Settlements.	Total.
1	2	3	4
	Rs.	Rs.	Rs.
Orissa, including Khurda	.....	3,40,792	3,40,792
Chittagong	.....	43,359	43,359
Backergunge	.....	14,390	14,390
Gaya	.....	1,000	1,000
Noakhali	3,300	12,000	15,300
Ghatwali lands, Bankura	.....	10,161	10,161
Petty settlements	.....	40,000	40,000
Total ...	3,300	4,61,702	4,65,002 or 4,65,000 in round numbers.

Against this reduction larger grants have been made for agricultural and sanitary improvements in Government estates.

28. *Excise.*—The total expenditure for 1898-99 is estimated at Rs. 6,92,000, against Rs. 6,69,000, the revised estimate for 1897-98, and Rs. 6,96,420, the

actuals of 1896-97. The estimate for 1898-99 includes a provision of Rs. 15,000 for the supply of uniforms to the Excise Detective staff and for the strengthening of that staff in Bihar in case it is decided to introduce the system of tree-tax on toddy trees. The actuals of 1896-97 included charges for the construction and repairs of distillery buildings which have now been transferred to the Public Works Department.

29. *Provincial Rates.*—The Provincial expenditure for 1897-98 was originally estimated at Rs. 1,19,000, against Rs. 74,204, the actuals of 1896-97. It was intended to revise the arrangement sanctioned in 1879, under which the Government cost of collecting the cess was fixed once for all at Rs. 48,000, which was equivalent to one-third of the cost as it then stood, and the balance was made payable by the District Funds. In settling the terms of the new contract, the Government of India were asked to make an assignment so that the Government share might be fixed at a sum equal to one-third of the cost actually incurred in 1896-97. But that Government was unable to make any assignment on this account; and in view of the diminished resources of this Government, it has been decided to defer sanction to the contemplated change for the present. The revised estimate under this head has now been reduced from Rs. 1,19,000 to Rs. 60,000, and the estimate for 1898-99 has been placed at Rs. 59,000.

30. *Forests.*—The budget grant for 1898-99 is Rs. 5,55,000, against Rs. 7,07,000 and Rs. 6,25,000, the budget and revised estimates for 1897-98 respectively. Rupees 82,000 have been provided for in 1898-99 for Roads and Building (including Rs. 6,000 for a portable tramway in the Darjeeling Division, and Rs. 14,000 for the construction of two head-quarters bungalows, works which had to be deferred in 1897-98). The increased provision in the budget for 1898-99 is also due to the fact that the reorganization scheme will now be fully worked up to, and that the vacancies in the class of Extra Assistant Conservators will be filled up.

31. *Registration.*—The estimate for 1898-99 is Rs. 8,87,000, against Rs. 8,73,000, the budget estimate for 1897-98, and Rs. 8,52,358, the actuals of 1896-97. The increase is chiefly due to larger provision for commission to Rural Sub-Registrars and remuneration to copyists and section-writers.

32. *General Administration.*—The total Provincial expenditure in 1897-98 was originally estimated at Rs. 17,28,000, but in the revised estimate this has been reduced to Rs. 17,02,000. The reduction is nominal and is due to the audit fees recovered from Incorporated Local Funds having been adjusted in reduction of charges under the sub-head "Civil Offices of Accounts and Audit" instead of being credited to the head "Miscellaneous." The estimate for

1898-99 has been placed at Rs. 17,24,000, and includes a provision of Rs. 40,000 for the construction of a new steamer for the Commissioner of Chittagong, as the old one has become unserviceable.

33. *Law and Justice—Criminal Courts.*—The original estimate of expenditure for 1897-98 was Rs. 89,42,000, against Rs. 89,53,640, the actuals of 1896-97. The compensation for dearness of provisions, debited to this head in 1897-98, will probably amount to Rs. 1,32,000, and the estimate of total expenditure has been raised to Rs. 90,60,000 in the revised estimate of the year. The estimate for 1898-99 is Rs. 89,73,000, and includes larger provision for fees to pleaders in criminal cases and for process-serving charges.

34. *Jails.*—The estimate for 1898-99 amounts to Rs. 23,50,000, against Rs. 25,00,000, the revised estimate for 1897-98, and Rs. 25,91,572, the actuals of 1896-97. Both the revised estimate for 1897-98 and the actuals of 1896-97 included larger grants for dieting charges consequent on the rise of the price of food-grains. In the estimates for 1898-99 a provision of Rs. 7,00,000 has been made for the purchase of raw materials, against Rs. 6,50,000 provided for in the estimates for 1897-98 and Rs. 7,75,626, the actuals of 1896-97.

35. *Police.*—The following table compares the estimates of expenditure under this head :—

	Actuals, 1896-97.	Estimates, 1897-98.	Revised estimates, 1897-98.	Estimate, 1898-99.
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
Presidency Police	7,68,301	7,53,000	7,66,000	7,65,000
Municipal Police	45,082	45,000	48,000	46,500
Superintendence	1,65,903	1,52,000	1,59,000	1,59,000
District Executive Force ...	46,36,909	44,92,000	48,11,000	45,91,000
Village Police	20,208	20,000	20,000	65,000
Special Police	4,55,282	5,00,000	4,05,000	1,16,500
Railway Police	1,20,440	1,29,000	1,32,000	1,32,500
Cattle-pounds	4,237	5,000	4,000	5,000
Upper Burma Police charges ...	.....	14,000	14,000	14,000
Refunds	2,737	6,000	3,000	3,000
Lump addition for increase to the pay of peons ...	.....	2,000	.....	.....
				58,97,500
Deduct for rounding ...				500
Total ...	62,19,099	61,18,000	63,62,000	58,97,000

The original estimate of expenditure for 1897-98 amounted to Rs. 61,18,000, against Rs. 62,19,099, the actuals of 1896-97. The revised estimate has been raised to Rs. 63,62,000 in order to provide for Rs. 2,70,000 on account of grain compensation allowance for dearness of provision. The decrease in the budget for 1898-99 as compared with the revised estimate for 1897-98 is due chiefly to no expenditure being anticipated that year on account of grain compensation allowance, and to the transfer of the South Lushai Hills Police to the Assam Administration from the 1st April 1898. Under Village Police provision has been made for the introduction of the Village Police system into Orissa under Act VI (B.C.) of 1870. Under District Executive Force provision has been made for the substitution of Sub-Inspectors for head-constables, in accordance with the recommendation of the Police Commission, for temporary police force required in connection with the various Plague Camps, and for additional police sanctioned in the Serampore subdivision of the Hooghly district and in the district of Backergunge. Provision has also been made for the revision of boat establishment and allowances in Backergunge sanctioned as a tentative measure.

36. *Marine.*—The estimate for 1898-99 is Rs. 8,91,000 against Rs. 9,11,000, the sanctioned estimate for 1897-98. The decrease is under "Pilotage and Pilot Establishment," the expenditure under which varies according to the number and tonnage of vessels visiting the ports. A provision of Rs. 12,000 has been made for a light for the Kutubdia light-house at Chittagong to be indented for from England.

37. *Education.*—The total expenditure for 1898-99 has been estimated at Rs. 28,97,000 against Rs. 27,46,000, the sanctioned grant, and Rs. 27,80,000, the revised estimate for 1897-98. The increase is due to (1) the reorganization of the Educational Service; (2) the appointment of two additional Inspectors and of two Sub-Inspectors; (3) the large provision made for boarding charges in the Kurseong Boys' Boarding School; (4) the opening of a new boarding school for girls at Kurseong; (5) the provision for boarding charges of the Eden Hindu Hostel, a corresponding entry being made on the receipt side; (6) the examination charges of schools under the control of the Inspector of European Schools; and (7) larger expenditure on grants for the encouragement of literature and other purposes. The provision for the Agricultural class of the Civil Engineering College, Sibpur, and for apparatus for the mining course has been repeated.

38. *Medical.*—The estimate for 1898-99 shows an increase of Rs. 52,000 over the charges originally sanctioned for 1897-98, of which Rs. 50,000 are

due to the provision for the prevention of plague. On the other hand the revised estimate for 1897-98 has been raised to Rs. 19,58,000 so as to provide a lakh and-a-half on account of the above expenditure, while savings are anticipated under the head of salaries of medical men owing to the deputation of several medical officers to military and famine duty.

39. *Scientific and other Minor Departments.*—There is an increase of Rs. 10,000 as compared with the budget for 1897-98 which is explained by the increase under "Veterinary Charges" owing to the increase in the pay of lecturers, employment of additional establishment and provision for boarding charges of the students in the hostel attached to the school. The small differences under other subheads do not call for special remarks.

40. *Miscellaneous.*—The estimate for 1898-99 is Rs. 19,000 less than the budget for 1897-98. The decrease is due to no provision having been made for special Commissions of enquiry and also to the transfer of the charges for staging bungalows to head "45—Civil Works."

41. *Irrigation Major Works.*—Under the category of Major Works are included the Orissa Canals, the Midnapore Canal, the Hidjili Tidal Canal, and the Sone Canals, the outlay for the construction and extension of all which has for the most part been advanced from the Imperial Treasury, while the Provincial Government, which gets all the receipts from these works, is responsible for the maintenance of them and for the payment of interest on the capital invested on them. The total grant for working expenses for 1898-99 is Rs. 13,67,000 against Rs. 14,46,000, the budget grant for 1897-98, and Rs. 13,60,000, the revised estimate for the year, as shown below:—

	Budget estimate, 1897-98.	Revised estimate, 1897-98.	Estimate, 1898-99.
1	2	3	4
	Rs.	Rs.	Rs.
Orissa Canals	5,67,000	4,90,000	4,63,000
Midnapore Canal	2,59,000	2,36,000	2,59,000
Hidjili Tidal Canal	55,000	46,000	61,000
Sone Canals	5,65,000	5,88,000	5,84,000
Total ...	14,46,000	13,60,000	13,67,000

The decrease in the revised estimate for 1897-98 is due to the reduction of the grants for the Orissa, Midnapore and Hidjili Canals against a small addition of Rs. 23,000 to the grant for Sone Canals. The amount of Interest on debt varies with the amount outstanding from time to time.

42. *Irrigation Minor Works in charge of the Public Works Department.*—The revised estimate for 1897-98 is Rs. 17,44,000 against the budget estimate of Rs. 15,25,000. The increase is mainly due to the additional grants (1) of

Rs. 1,05,000 sanctioned to meet the transfer of the stock of the Dehri Workshops from "49—Imperial" to this head; (2) of Rs. 30,000 for the repairs to the Kutubdia embankments in Chittagong damaged by the cyclone; (3) of Rs. 30,000 sanctioned for repairs to embankments in the South-Western Circle and other works; and (4) of Rs. 54,000 transferred from 42—Major Works to meet increased charges for capital expenditure on Orissa and Calcutta and Eastern Canals. The budget estimate of total expenditure for 1898-99 is Rs. 14,83,000 against Rs. 15,25,000 for 1897-98. The estimate for 1898-99 includes an assignment of Rs. 1,36,800 under Calcutta and Eastern Canals for the Bhangore khal improvement project against Rs. 3,78,000 in 1897-98. The variations under other heads are shown in detail in Appendix B.

43. *Civil Works.*—The expenditure in charge of the Public Works Department has been greatly reduced owing to the reduction of the Provincial balance. The allotment includes the following grants for original works:—

	Rs.
Reconstructing the Collector's cutchery with subsidiary buildings at Bogra	25,000
Reconstruction of the Collectorate buildings at Rangpur damaged by the earthquake	55,750
Reconstruction of the cutcheries at Dacca and Mymensingh damaged by the earthquake	1,80,000
Reconstruction of the Judge's Court buildings at Rangpur damaged by the earthquake	25,000
Construction of new double Munsifi at Jalpaiguri	18,000
Ditto a subdivisional Court-house at Gaibanda ...	15,000
Ditto a subdivisional residence at Serampore ...	20,000
Ditto a central ganja golah at Nowgong	20,000
Ditto a parsonage for St. John's Church at Calcutta ...	20,000
Ditto a residence for the District Superintendent of Police, Noakhali	19,000
Providing cubicles and constructing a third double-storied barrack with cubicles in Bhagalpur Central Jail	41,657
Constructing new Chemical block, Medical College	23,000
Ditto Pathological and Physiological buildings, Medical College	20,000
Compensation for land required for the new quarters for Military students, Medical College	20,000
Fittings for Chemical Department, Medical College	25,000
Improvements to Campbell Hospital	60,000
Bridge on 44th mile of the road from Ranchi to Purulia ...	18,000
Constructing roads in the Duars	50,000
Improving first section of the road from Tista Bridge to Rungpoo	60,312

No funds have been provided in the budget for the construction of the European General Hospital, Calcutta, as there is no balance available from the Provincial grant for Public Works. The Government of India have, however, promised to provide a sum of 3 lakhs on account of this work in the Imperial Civil Works Budget for 1898-99.

H. H. RISLEY.

CALCUTTA;
The 2nd April, 1898.

BENGAL PROVINCIAL REVENUE.

(In Rupees omitting 000's excepting in the Actuals.)

Heads.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.
1	2	3	4	5
Opening balance ...	58,20,076	41,07	39,54	5,39
Principal Heads of Revenue—				
I.—Land Revenue ... Proper	1,00,01,412	1,01,42	1,02,08	1,04,68
I.—Land Revenue ... Adjustments ...	—13,46,088	—7,96	—7,69	—17,11
III.—Salt	1,34,239	.....	.....	.....
IV.—Stamps	1,31,80,722	1,30,69	1,32,00	1,32,42
V.—Excise	33,49,828	67,25	64,25	66,25
VI.—Provincial Rates	44,57,311	42,00	46,00	47,30
VII.—Customs	94,114	91	91	93
VIII.—Assessed Taxes	24,69,220	24,50	24,50	24,50
IX.—Forests	6,85,425	6,50	5,98	4,64
X.—Registration	7,72,347	7,10	7,75	7,55
Total ...	8,37,88,530	3,72,41	3,75,78	3,71,16
XII.—Interest	2,31,839	3,09	2,96	4,27
Post-Office, Telegraph and Mint—				
XIII—Post-Office	263	.....	.....	.....
Receipts by Civil Department—				
XVI.—Law and Justice—				
Courts of Law	8,22,123	8,30	7,90	7,96
Jails	9,70,703	9,08	10,10	10,06
XVII.—Police	1,88,560	1,80	2,42	2,22
XVIII—Marine	9,37,027	9,54	11,00	10,00
XIX.—Education	5,64,666	6,27	5,99	6,62
XX.—Medical	1,98,848	2,11	2,01	2,00
XXI—Scientific and other Minor Departments	2,03,980	2,23	2,19	2,31
Total ...	38,85,807	39,33	41,61	41,17
Miscellaneous—				
XXII.—Receipts in aid of Superannuation ...	54,170	60	56	56
XXIII.—Stationery and Printing	1,28,216	1,34	1,24	1,24
XXV.—Miscellaneous	9,13,956	9,35	6,78	6,94
Total ...	10,96,372	11,29	8,58	8,74
Railway—				
State Railways	44,82,590	.....	.....	.....
Irrigation—				
XXIX.—Major works (direct receipts) ...	19,09,613	16,50	20,00	17,02
XXX.—Minor Works and Navigation—				
By Public Works Department ...	6,74,241	6,60	6,60	7,16
By Civil Department	1,32,995	1,16	1,31	1,27
Total ...	27,16,849	24,26	27,91	25,45
Buildings and Roads—				
XXXII.—Civil Works—				
By Public Works Department ...	2,71,369	1,93	1,93	1,93
By Civil Department	2,46,069	2,52	2,30	2,68
Total ...	5,17,438	4,45	4,23	4,61
Contributions ...	1,32,298	.....	.....	.....
Total ...	4,68,51,986	4,54,83	4,61,07	4,55,30
Grand Total ...	5,26,72,062	4,95,90	5,00,61	4,60,69

BENGAL PROVINCIAL EXPENDITURE.

(In Rupees, omitting 000's, excepting in the Actuals.)

HEADS.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.
1	2	3	4	5
Direct demand on the revenue—				
1. Refunds and Drawbacks	1,86,744	1,71	1,73	1,78
2. Assignments and Compensations ...	1,64,687	1,64	1,65	1,65
3. Land Revenue	37,20,591	45,71	43,85	40,48
5. Salt	50,799	.....	.....	.....
6. Stamps	5,06,520	5,27	5,14	5,36
7. Excise	1,74,105	3,57	3,35	3,46
8. Provincial Rates	74,204	1,19	60	59
9. Customs	7,60,253	8,00	7,80	7,97
10. Assessed Taxes	91,221	96	95	96
11. Forests	3,45,021	3,53	3,18	2,77
12. Registration	4,26,179	4,37	4,38	4,44
Total ..	65,00,324	75,95	72,58	69,46
Interest—				
13. Interest on ordinary debt	2,14,676	2,15	2,25	2,48
Post-office, Telegraph, and Mint—				
15. Post-office	4,919	10	5	3
Salaries and Expenses of Civil Department—				
18. General Administration	17,56,921	17,28	17,02	17,24
19. Law and Justice { Courts of Law ...	89,53,640	89,42	90,60	89,73
19. Law and Justice { Jails	25,91,572	22,32	25,00	23,50
20. Police	62,19,099	61,18	63,62	58,97
21. Marine	8,73,032	9,11	9,21	8,91
22. Education	27,41,026	27,46	27,80	28,97
24. Medical	19,40,398	19,18	19,58	19,70
25. Political	21,617	25	19	18
26. Scientific and other Minor Departments.	4,42,538	4,55	4,54	4,65
Total ...	2,55,39,843	2,50,75	2,57,56	2,51,85
Miscellaneous—				
29. Superannuation, &c	19,18,352	20,32	20,83	21,26
30. Stationery and Printing	10,98,907	11,34	11,12	11,16
32. Miscellaneous	2,42,156	2,57	2,35	2,38
Total ...	32,59,415	34,23	34,30	34,80
Famine Relief and Insurance—				
33. Famine Relief	21,55,265	22,18	30,78	.....
Railway (Revenue Account)—				
40. Subsidised Companies—Land, &c. ...	—117	.....	.....	.....
Irrigation—				
42. Major Works—				
Working expenses	12,81,881	14,46	13,60	13,67
Interest on debt	24,64,143	24,64	24,61	24,59
43. Minor Works and Navigation—				
By Public Works Department ...	17,78,208	15,25	17,44	14,83
By Civil Department	4,911	8	4	13
Total ..	55,29,143	54,13	55,69	53,22
Buildings and Roads—				
45. Civil Works—				
By Public Works Department ...	35,24,575	32,50	29,75	32,06
By Civil Department	3,04,375	1,36	1,26	90
Total ...	38,28,950	33,86	31,01	32,96
Contributions ...	16,85,149	12,25	11,00	10,50
Total ...	4,87,17,567	4,85,90	4,95,22	4,55,30
Closing balance ...	39,54,495	10,00	5,39	5,39
GRAND TOTAL ...	5,26,72,062	4,95,90	5,00,61	4,60,69
Provincial surplus (+) or deficit (—) ...	—18,65,581	—31,07	—34,15	.....

APPENDIX A.

Bengal Provincial Receipts in detail of minor heads.

[The figures in columns 4 and 5 are those accepted by the Government of India.]

I.—Land Revenue—

HEAD.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
Gross Land Revenue	3,87,68,379	3,92,50,000	3,99,00,000	4,08,73,000	Increase due to revision of settlements.
Deduct 12 per cent. on collections from Government estates (Provincial)	4,63,607	5,40,000	5,40,000	5,84,000	
Deduct recoveries of Bihar survey and settlement charges (Imperial)	1,53,552	3,00,000	6,88,000	7,51,000	
Total deduction ...	6,17,159	8,40,000	12,28,000	13,35,000	
Net amount divisible between Imperial and Provincial Funds	3,81,51,220	3,84,10,000	3,86,72,000	3,95,38,000	
Provincial share of above (one-fourth)	95,37,805	96,02,000	96,68,000	98,84,000	
Deduct on account of adjustments ...	—13,46,088	—7,96,000	—7,69,000	—17,11,000	As per details below.
Net .	81,91,717	88,06,000	88,99,000	81,73,000	
Add 12 per cent. collections	4,63,607	5,40,000	5,40,000	5,84,000	
Total Provincial share ..	86,55,324	93,46,000	94,39,000	87,57,000	

Adjustments—

Fixed contribution to Imperial Revenues under the terms of the contract	14,39,000	14,19,000	14,19,000	14,19,000	
Add payable to Imperial Funds—					
Interest on advance for the Hijli Tidal Canal.	29,510	.....	... ..	.....	
Contribution towards the cost of a clock for the General Post Office	5,000	. .	... .	. .	
Grant for temporary establishment for the office of the Meteorological Reporter, Bengal, for recalculation of Meteorological mean value published in the Provincial Weather Report	750	...	...	..	
Half of the deferred interest payable by the Port Commissioners, Calcutta, on the Kidderpore Dock loans .	2 00,000	.....	. ...	.....	
Contribution on account of transfer of South Lushai Hills to Assam ...	... ..	... ..	.....	3,00,000	The administration of the South Lushai Hills has been transferred to Assam from the 1st April 1898.
Total .	16,74 260	14,19,000	14,19,000	17,19,000	
Deduct to be recovered from Imperial Funds—					
Special assignment on account of survey and settlement charges	..	6,23,000	6,23,000	. ...	
Advance for the Hijli Tidal Canal	36,362	.	.. ..	.. ..	
Grant for transfer of Imperial buildings to the charge of local bodies	42,801	..	13,000	5,000	
Assignment for Gratong Police ...	15,050	.... .	.. ...	... .	
Grant to meet the cost of additional Customs establishments for Calcutta and Chittagong ...	1,91,912	...	... ..	.....	
Salary, passage-money and outfit allowance of probationer gardeners for the Royal Botanic Garden	2,442	.. ...	... ..	... .	
Assam Jubilee scholarships	...	. ....	3,000	3,000	Special scholarships for Assamese students sanctioned by the Assam Administration in Bengal in commemoration of Her Majesty's Diamond Jubilee.
Towing charges of the *Rhotas*	10,000	.....	.....	.....	
Grant for the transfer of Observatory buildings to charge of the Provincial Public Works Department	1,491	.....	.....	.. ...	
Assignment for loss of revenue on account of the discontinuance of the system of prepayment of duty in Bengal on ganja exported to the North-Western Provinces and Oudh	. ....	...	11,000	... .	
Expenditure incurred upon the completion of suitable road from Luchen and Luchung, Sikkim	97,514	.....	.....	... ..	
Total ...	3,28,172	6,23,000	6,50,000	8,000	
Net sum to be transferred ...	13,46,088	7,96,000	7,69,000	17,11,000	

III.—Salt—

HEADS.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
Rent of warehouses	92,089	.....	.....	.....	The receipts have been made Imperial from 1897-98 under the terms of the new Provincial contract.
Miscellaneous	42,150	.....	.....	.....	
Total ...	1,34,239	...	.....	.....	

IV.—Stamps—

Sale of general stamps	51,02,767	40,70,000	50,00,000	49,15,000	These receipts were exceptionally high in 1896-97 owing to the execution of a large number of bonds and documents on account of scarcity.
Sale of court-fee stamps	1,21,68,135	1,21,60,000	1,23,00,000	1,24,50,000	This head shows a progressive increase.
Sale of plain paper to be used with court-fee stamps	2,52,481	2,45,000	2,52,000	2,50,000	Based on actuals.
Duty on impressing documents	11,004	20,000	11,000	11,000	
Fines and penalties	24,736	25,000	25,000	25,000	
Miscellaneous	15,083	5,000	12,000	5,000	There were special receipts on account of composition duty in the last six months of 1896-97, and in the first six months of 1897-98, which are not expected to recur.
Total ...	1,75,74,206	1,74,25,000	1,76,00,000	1,76,56,000	
Provincial share (three-fourths)...	1,31,80,722	1,30,69,000	1,32,00,000	1,32,42,000	

V.—Excise—

License and Distillery fees and duties for the sale of liquors and drugs	1,01,99,081	1,02,80,000	98,35,000	99,50,000	The decrease in 1897-98 was due to the scarcity and consequent unfavourable settlements.
Gain on sale-proceeds of excise opium	17,20,000	17,55,000	16,80,000	17,80,000	
Duty on ganja	14,56,378	14,00,000	13,20,000	15,00,000	
Fines, confiscations and miscellaneous	17,853	15,000	15,000	20,000	
Total ...	1,33,99,312	1,34,50,000	1,28,50,000	1,32,50,000	
Provincial share	33,49,828	67,25,000	64,25,000	66,25,000	Provincial share in 1896-97 was one-fourth and under the new contract is one-half.

VI.—Provincial Rates—

Public Works Cess	43,07,112	40,60,000	44,30,000	45,50,000	Increase expected from revaluations.
General rates for management of private estates ...	1,50,199	1,40,000	1,70,000	1,80,000	
Total ...	44,57,311	42,00,000	46,00,000	47,30,000	

VII.—Customs—

Sea Customs—Miscellaneous	85,385	84,000	82,000	85,000	Based on actuals.
Warehouse and Wharf-rent	7,429	7,000	8,000	7,000	
Miscellaneous—					
Fees for registration of cargo boats	347				
Other items	953				
Total Miscellaneous ...	1,300		1,000	1,000	
Total ...	94,114	91,000	91,000	93,000	

VIII.—Assessed Taxes—

Heads.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	Remarks.
1	2	3	4	5	6
Deductions by Government from salaries and pensions, &c.	4,93,166	4,95,000	5,00,000	5,00,000	Based on actuals.
Deductions by Government from interest on Government securities	13,706	15,000	14,000	14,000	
Deductions from salaries, &c., by local authority or company	34,904	55,000	55,000	55,000	
Income-tax on securities of local authority or company	65,350	60,000	65,000	65,000	
Deductions from profits of Railway Company ..	2,566	3,000	3,000	3,000	
Ordinary collections	42,74,862	42,32,000	42,25,000	42,25,000	
Penalties	20,832	25,000	25,000	25,000	
Miscellaneous	12,830	15,000	13,000	13,000	
Total	49,18,440	49,00,000	49,00,000	49,00,000	
Provincial share (one-half)	24,59,220	24,50,000	24,50,000	24,50,000	

IX.—Forests—

Timber and other produce removed from the forests by Government agency .	5,19,992	4,50,000	3,86,000	31,300	The budget for 1897-98 was prepared on the assumption that the sleepers supplied to the Rai Bareli Railway in that year would be paid for in full in that year, but a part was paid in advance before the close of the preceding year, and this accounts for the decrease in the revised estimate. The decrease in 1898-99 is due to cessation of sleeper operations in the Singhbhum Division.
Timber and other produce removed from the forests by consumers or purchasers	8,08,161	8,17,000	7,72,000	8,59,800	The decrease in the revised estimate is due to the falling off in the Sundarbans Division owing to famine.
Confiscated drift and waif wood ..	7,015	9,600	9,000	8,500	
Miscellaneous	34,781	23,400	28,000	28,400	
Total .	13,70,949	13,00,000	11,95,000	9,28,000	
Provincial share (one-half)...	6,85,425	6,50,000	5,98,000	4,64,000	

X.—Registration—

Fees for registering documents	14,83,015	13,65,000	14,88,000	14,50,000	The increases in 1896-97 and 1897-98 are due partly to the famine and partly to increased facilities afforded by the opening of new offices.
Fees for copies of registered documents ..	21,735	20,000	22,000	20,000	
Miscellaneous	39,545	35,000	40,000	40,000	
Total ...	15,44,695	14,20,000	15,50,000	15,10,000	
Provincial share (one-half)...	7,72,347	7,10,000	7,75,000	7,55,000	

XII.—Interest—

HEADS.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
Class I.—Interest on advances to cultivators— On advances to cultivators under Land Improvement Loans Act ... ... On advances to cultivators under agriculturists' Loans Act, XXII of 1884	16,836	62,000	90,000	1,26,000	Calculated on the estimated outstanding mean balance.
„ *II.*—Interest on advances under Special Loans— On Drainage and Embankment Advances	25,657	52,000	41,000	83,000	Calculated on the estimated outstanding mean balance, including the balance on account of the Rajapur drainage scheme, on which interest is being realized from 1897-98.
„ *III.*—Interest on loans to landholders, &c ..	3,551	1,300	1,000	1,000	
„ *IV.*—Interest on loans to Municipal and other Public Corporations (excluding Presidency Corporations)	1,24,387	1,40,000	1,08,000	1,69,000	Calculated on the estimated outstanding mean balance.
Interest on Government Securities	11,884	11,000	13,000	12,000	
Miscellaneous— Interest on arrears of Public Works Cess		38,000	39,000	39,000	
Interest on the Capital cost of His Honour the Lieutenant-Governor's house, &c.	40,544	1,300	1,300	1,300	
Other items		1,700	700	700	
Interest on zamindari embankment recoveries, &c.		1,700	2,000	2,000	
Total Miscellaneous	40,544	42,700	43,000	43,000	
GRAND TOTAL .	2,31,839	3,09,000	2,96,000	4,27,000	

XIII.—Post Office—

Recoveries on account of establishment employed in Postmaster-General's office	263	.....	..	..	The recoveries are now adjusted in the books of the Comptroller of Post Offices.

XVIA.—Law and Justice—Courts of Law—

Sale-proceeds of Unclaimed and Escheated Property	29,013	35,000	29,000	29,000	Based on average actuals.
Court-fees realised in cash	51,401	36,000	50,000	50,000	
General Fees, Fines and Forfeitures	6,89,052	7,22,000	6,40,000	6,65,000	
Pleadership Examination Fees	39,864	29,000	45,000	40,000	
Miscellaneous	11,892	8,000	17,000	12,000	
Total .	8,22,122	8,30,000	7,90,000	7,96,000	

XVIB.—Jails—

Jails	11,458	6,000	18,000	12,000	Increase for larger supplies to the Military and the Police Departments.
Jail Manufactures	9,59,245	9,00,000	9,92,000	9,94,000	
Total ...	9,70,703	9,08,000	10,10,000	10,06,000	

XVII.—Police—

Heads.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	Remarks.
1	2	3	4	5	6
Police supplied to Municipal, Cantonment and Town Funds ...	9,647	8,000	8,000	9,000	
Police supplied to Public Departments, private companies and persons ...	88,054	35,000	94,000	73,000	The increase is due to larger recoveries on account of police supplied to Railway Companies and for Punitive Police.
Presidency Police ...	97,678	90,000	90,000	93,000	
Recoveries on account of Village Police	1,638	4,000	3,000	1,000	
Fees, Fines and Forfeitures	34,808	35,000	35,000	36,000	
Superannuation Receipts ...	855	1,000		1,000	
Miscellaneous ...	6,280	8,000	12,000	9,000	
Total ...	1,88,460	1,80,000	2,12,000	2,22,000	

XVIII.—Marine—

Sale-proceeds of Vessels and Stores ...	2,303	2,000	2,000	2,000	
Registration and other Fees ...	41,346	42,000	48,000	44,000	
Pilotage Receipts — Calcutta ...	8,30,934	8,57,000	2,90,000	8,77,000	The receipts under this head fluctuate and depend on the tonnage of vessels visiting the port. They were unusually high in 1897-98.
Pilotage Receipts — Chittagong ...	11,555	17,000		16,500	
Lead-money of Volunteers ...	...	6,000		6,000	
Miscellaneous.					
Deductions for Mess-money ...	10,088	10,200	60,000	12,000	
Contribution to Life-boat Establishment, Goalundo	249	300		300	
Marine Survey ...	36,448	35,000		37,700	
Other Items ...	4,356	4,500		4,500	
Total Miscellaneous	51,129	50,000	60,000	54,500	
Total ...	9,37,927	9,54,000	11,00,000	10,00,000	

XIX.—Education—

Fees, Government Colleges ... — General ...	1,67,774	1,68,000	1,80,000	1,70,000	
Fees, Government Colleges ... — Professional	37,924	39,000	38,000	38,000	
,, Schools, General ...	3,12,472	3,67,000	3,24,000	3,97,000	Larger receipts are anticipated from fees from boarders of the Kurseong Boys' and Girls' Boarding Schools. The proposal to include the receipts and expenditure of the Eden Hindu Hostel in Calcutta in the Provincial account was not carried out in 1897-98. They will be incorporated in the accounts of 1898-99.
,, Schools, Special ...	17,131	18,000	15,000	17,000	
Contributions from Native States, private persons and municipalities ...	9,145	8,000	12,000	9,000	
Income from endowments ...	5,150	5,000	5,000	6,000	
Miscellaneous ...	15,070	19,000	25,000	25,000	
Total ...	5,64,666	6,27,000	5,99,000	6,62,000	

XX.—Medical—

HEADS.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
Medical School and College Fees	56,557	55,000	58,000	52,000	Based on actuals.
Hospital receipts	76,803	84,000	75,000	75,000	
Lunatic Asylum Receipts	24,284	29,000	24,000	24,000	
Medicines sold by Civil Surgeons	128	.....	... .	.....	
Contributions (from Municipalities and private persons)	36,130	39,000	39,000	39,000	
Miscellaneous	4,856	4,000	5,000	4,000	
Total ...	1,98,848	2,11,000	2,01,000	2,00,000	

XXI.—Scientific and other Minor Departments—

Botanic and other gardens	3,702	5,000	3,000	4,400	
Veterinary and stallion receipts	4,785	5,000	5,000	9,300	Increase is due to recoveries of boarding charges from students of the Veterinary Institution.
Cinchona plantation	1,61,314	1,75,000	1,77,000	1,83,500	Larger receipts are expected from the sale of quinine.
Receipts on account of experimental cultivation ...	2,104	2,000	2,000	2,000	
Ditto ditto of public exhibitions and fairs...	1	.....	.....	. ...	
Emigration fees	26,313	32,000	26,000	26,000	
Examination fees	5,641	5,000	6,000	5,500	
Add for rounding	.....	.....	.....	300	
Total ...	2,03,980	2,23,000	2,19,000	2,31,000	

XXII.—Superannuations—

Deductions for Pension Fund (Marine)	.....	8,000	8,000	8,000	The receipts have been provincialized in the new contract.
Family subscriptions of Native members of the Covenanted Civil Service . .	1,586	2,000	2,000	2,000	
Contributions of officers lent to Municipalities or Corporations	15,332	9,000	8,000	8,000	Based on actual demands.
Contributions of officers lent to Foreign Service ...	27,728	30,000	30,000	30,000	
Contributions of persons employed by the Court of Wards	9,177	11,000	8,000	8,000	
Refunds of Gratuities	347	.....	.....	.....	
Total ...	54,170	60,000	56,000	56,000	

XXIII.—Stationery and Printing—

Stationery receipts	1,172	1,000	1,000	1,000	
Sale of Gazettes and other publications	94,597	98,000	93,000	93,000	
Other press receipts	32,477	35,000	30,000	30,000	
Total ...	1,28,246	1,34,000	1,24,000	1,24,000	

XXV.—Miscellaneous—

HEADS.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
Unclaimed deposits	3,41,605	3,90,000	3,32,000	3,70,000	This is a fluctuating item.
Treasure-trove	142	.....	...	.....	
Sale-proceeds of Durbar presents	8,418	12,000	5,000	10,000	
Sale of old stores and materials	47,254	42,000	90,000	45,000	The receipts in 1897-98 were high on account of sale-proceeds of articles purchased and temporary sheds erected in connection with famine relief operations.
Sale of lands and houses, &c.	6,480	7,000	7,000	8,000	Based on the actual demand.
Fees for Government audits (of Municipal and Incorporated Local Funds)	80,566	70,000	44,000	43,000	No provision has been made for the recoveries from Incorporated Local Funds which will be adjusted by deduction from the Provincial expenditure in a lump sum.
Contributions	.	.....	80,000	79,000	Based on actual demand.
Rents	29,001	27,000	16,000	19,000	
Miscellaneous fees, fines and forfeitures	2,31,392	2,35,000	24,000	39,000	The falling off is due chiefly to partition fees being now adjusted by reduction of charges instead of being credited to this head.
Miscellaneous	1,60,098	1,51,000	80,000	81,000	
Total ..	9,13,956	9,35,000	5,78,000	6,94,000	

XXVI.—State Railways (Eastern Bengal State Railway System)—

Gross receipts	1,80,05,866	. ..	.....	.....	These have been made Imperial from 1897-98, under the terms of the new provincial contract.
Working expenses	60,40,686		.. ...	... .	
Net receipts ...	89,65,180	..	. . .	.....	
Provincial share (one-half) ...	44,82,590	.. ..	...	.....	

XXIX.—Irrigation.—Major Works—(District Receipts.)

Orissa Canals	4,74,217	4,49,000	5,00,000	5,00,000	The increase, in 1897-98 is for larger collections of water rates due to deficient rainfall.
Midnapore Canal	2,70,757	2,83,000	2,65,000	2,58,000	
Hijili Tidal Canal	90,946	74,000	80,000	80,000	
Sone Canals	10,64,693	8,94,000	11,55,000	8,64,000	
Total ...	19,09,612	16,50,000	20,00,000	17,02,000	

XXX.—Minor Works and Navigation in charge of the Public Works Department—

HEADS.	Actuals, 1896-97.	Budget estimate, 1897-98.	Revised estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
Irrigation and Navigation Works.					
Works for which Capital and Revenue accounts are kept—					
Sarun Canal ...	1,304	10,000	10,000	2,000	
Calcutta and Eastern Canals ...	4,40,064	4,30,000	4,30,000	4,60,000	
Orissa Coast Canal ...	86,259	78,000	78,000	86,000	
Total	5,27,627	5,18,000	5,18,000	5,48,000	
Works for which only Revenue accounts are kept—					
Nadia rivers ...	93,474	1,00,000	1,00,000	1,20,000	
Gaighatta and Buxi Khal ...	3,820	4,000	4,000	4,000	
Total	97,294	1,04,000	1,04,000	1,24,000	
Works for which neither Capital nor Revenue accounts are kept—					
Eden Canal ...	37,091	33,000	33,000	37,000	
Tista Canal ...	100	..	...	..	
Total	37,191	33,000	33,000	37,000	
Total Irrigation and Navigation Works ...	6,62,112	6,55,000	6,55,000	7,09,000	
Agricultural Works.					
Works for which neither Capital nor Revenue accounts are kept—					
Government embankments ...	6,155	4,000	4,000	5,000	
Takavi embankments under contract	5,974	1,000	1,000	2,000	
Total Agricultural Works ...	12,129	5,000	5,000	7,000	
GRAND TOTAL ...	6,74,241	6,60,000	6,60,000	7,16,000	

XXX.—Minor Works and Navigation in charge of the Civil Department—

Recoveries on account of zamindari embankments under the contract system (on account of lands benefitted by embankments) ...	1,28,720	1,03,000	1,03,000	1,03,000	The increase in the actual of 1896-97 was due to the recovery of arrears in the district of Midnapore.
Recoveries on account of the Ratapur drainage on account of capitalized maintenance charges ...	.....	5,000	23,000	19,000	Estimated by the Drainage Commissioners.
Recoveries on account of capitalized maintenance charges of the Dankuni drainage ...	520	....	.....	.....	
Miscellaneous receipts, Dankuni Canal ...	3,740	8,000	5,000	5,000	
Ditto ditto, Howrah drainage ...	6				
Ditto ditto, Rajapore drainage ...	.....				
Total ...	1,32,995	1,16,000	1,31,000	1,27,000	

XXXII.—Civil Works in charge of the Public Works Department—

Total gross receipts ...	2,71,369	1,93,000	1,93,000	1,93,000	The actuals of 1896-97 include Rs. 36,507 being profits of the Calcutta Workshops, and Rs. 63,640, being the Government share of the surplus profits of Darjeeling-Himalayan Railway for the year ending 30th June 1896.

XXXII.—Civil Works in charge of the Civil Department—

Tolls on ferries ...	2,43,968	2,50,000	2,17,000	2,45,000	
Cemetery receipts ...	2,101	2,000	2,000	2,000	
Rent of staging bungalow ...	.....	.....	11,000	11,000	These receipts are now credited under this head under orders of the Comptroller-General.
Total ...	2,46,069	2,52,000	2,30,000	2,58,000	

APPENDIX B.

Bengal Provincial Expenditure in detail of minor heads.

[The figures in columns 4 and 5 are those accepted by the Government of India.]

1.—*Refunds and Drawbacks*—

HEADS.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
and Revenue (one-fourth)	25,220	14,000	14,000	16,000	
arup (three-fourths) ..	1,19,378	1,17,000	1,18,000	1,17,000	Larger provision has been made owing to anticipated increase in revenue
cise (one-half)	2,546	6,000	5,000	5,000	
essed taxes (one-half)	16,157	15,000	12,000	16,000	
rest (one-half)	24	1,000	...	...	
gistration (one-half)	1,475	2,000	2,000	2,000	
ovincial Rates	20,803	14,000	25,000	20,000	
stoms (other than Export and Import duty) ..	1,141	2,000	2,000	2,000	
Total ..	1,86,744	1,71,000	1,73,000	1,78,000	

2.—*Assignments and Compensations*—

alikana	1,64,687	1,64,000	1,65,000	1,65,000	

3.—*Land Revenue*—

rvey and Settlement	..	8,96,000	8,36,000	4,65,000	The increase in the revised estimates is due to larger outlay on the settlement operations in Chittagong.
arges of District Administration	31,95,714	32,28,000	30,35,000	30,05,000	The saving under this head is nominal, being due to partition fees having been adjusted in reduction of charges instead of being credited to the head Miscellaneous as heretofore.
nagement of Government estates	4,29,002	4,67,000	4,37,000	4,94,000	Provision has been made for larger outlay on agricultural and sanitary improvements in Government estates
nd Records and Agriculture	95,815	77,000	77,000	84,000	
Total .	37,20,531	45,71,000	43,85,000	40,48,000	

5.—*Salt*—

laries, Establishment and Contingencies	50,799		... .	.....	The charges have been made Imperial from 1897-98 under the terms of the new Provincial contract.

6.—*Stamps.*—

HEAD.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
Superintendence	83,987	83,000	82,000	86,000	Larger expenditure on contingencies.
Charges for the sale of general stamps	1,13,227	1,10,000	1,10,000	1,10,000	
Charges on sale of court-fee stamps	1,25,544	1,26,000	1,25,000	1,28,000	Larger estimate based on the anticipated increase in receipts.
Discount on plain paper	15,749	16,000	16,000	16,000	
Stamp paper supplied from Central Stores	3,36,853	3,67,000	3,51,000	3,74,000	Estimate of the Superintendent, Stamps and Stationery.
Total ..	6,75,360	7,02,000	6,85,000	7,14,000	
Provincial share—(three-fourths)	5,06,520	5,27,000	5,14,000	5,36,000	

7.—*Excise.*—

Superintendence	69,326	77,000	68,000	74,000	Full sanctioned scale of officers and establishment has been provided for under all the heads.
Presidency establishment	99,302	98,000	98,000	1,00,000	
District Executive establishment	3,39,157	3,81,000	3,78,000	3,80,000	
Distilleries	1,58,635	1,57,000	1,25,000	1,38,000	
Total ...	6,96,420	7,13,000	6,69,000	6,92,000	
Provincial share	1,74,105	3,57,000	3,35,000	3,46,000	

8.—*Provincial Rates.*—

Collection of rates and cesses		85,000	36,500	36,500	The decrease is due to the charge for the cost of collection being calculated on the scale fixed in 1879.
Valuation and revaluation work		34,000	23,500	22,500	
Total ...	74,204	1,10,000	60,000	59,000	

9.—*Customs.*—

Calcutta	7,17,083	7,56,700		7,62,200	Full sanctioned scale of officers and establishments has been provided for.
Balasore	6,449	7,000		7,000	
Chittagong	26,817	20,300		27,700	
Cuttack	7,908	7,800		7,800	
Dacca	696	700		800	
Puri	1,400	1,500		1,500	
Total ...	7,60,253	8,00,000	7,80,000	7,97,000	

10.—*Assessed Taxes.*—

Collection of income tax	1,82,442	1,93,000	1,90,000	1,93,000	The decrease in 1896-97 was due to the permanent Collector of Calcutta being on deputation, and the Officiating Officer drawing lower pay.
Provincial share (one-half)	91,221	96,000	95,000	96,000	

11.—*Forest.*—

HEAD.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
A.—Conservancy and Works.					
Timber and other produce removed from the forests by Government agency	2,37,530	1,81,000		19,000	The decrease is mainly due to the cessation of sleeper operations in the Singhbhum Division.
Timber and other produce removed from the forests by consumers or purchasers . . .	56,717	65,300		62,000	
Confiscated, drift and wast wood	1,872	2,800		2,800	
Live-stock, stores, tools and plant	19,807	11,100		10,900	
Communications and buildings	50,643	82,400		82,200	Include Rs. 6,000 for a portable tramway in the Darjeeling Division and Rs. 14,000 for the construction of two head-quarters bungalows, works which had to be deferred in 1897-98.
Demarcation, improvement and extension of forests	35,756	43,600		41,800	
Miscellaneous	1,623	2,700		2,300	
Total A—Conservancy and Works ...	4,08,448	3,89,800		2,21,000	
B.—Establishments.					
Salaries	2,33,209	2,08,600		2,85,800	Increase due to (1) to the reorganisation scheme which will now be fully worked up to, (2) to more officers being on duty throughout the year, and (3) to the filling up of vacancies in the class of Extra Assistant Conservators.
Travelling allowances	37,617	36,900		35,400	
Contingencies	15,708	11,700		12,800	
Total B—Establishments ...	2,86,594	3,17,200		3,34,000	
GRAND TOTAL OF EXPENDITURE ..	6,90,042	7,07,000	6,25,000	5,55,000	
Provincial share (one-half)	3,45,021	3,53,000	3,13,000	2,77,000	

12.—*Registration*—

Superintendence	51,743	57,000	54,000	55,000	The savings in 1897-98 are due to smaller outlay on travelling allowances.
District charges	8,00,615	8,16,000	8,21,000	8,32,000	Increase due to larger expenditure on commission to Rural Sub-Registrars.
Total .	8,52,358	8,73,000	8,75,000	8,87,000	
Provincial share (one-half)	4,26,179	4,37,000	4,38,000	4,44,000	

13.—*Interest on Ordinary Debt*—

Interest on Provincial advance and loan account ...	2,14,670	2,15,000	2,25,000	2,48,000	Both the revised estimate for 1897-98 and the estimate for 1898-99 are based on the estimated mean outstanding balance of loans carrying interest at 3½ per cent.

15.—*Post Office*—

Conveyance of Mails, South Lushai Hills	2,806	8,000	3,000	.....	No estimate is necessary owing to the transfer of the South Lushai Administration to Assam from the 1st April 1898.
Dak establishment	2,113	2,100	2,000	3,000	
Lump deductions	. .	(—) 100	.....	.....	
Total ...	4,919	10,000	5,000	3,000	

18.—General Administration—

HEADS.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
Salary of Lieutenant-Governor ...	99,504	99,000	1,07,000	96,000	The excess in 1897-98 is due to acting arrangement during the absence on leave of the permanent Lieutenant-Governor.
Staff and household of Lieutenant-Governor ...	31,953	34,000	37,000	34,000	
Tour expenses ...	32,299	34,000	34,000	34,000	
Legislative Council ...	27,997	26,000	25,000	26,000	
Civil Secretariats ...	5,82,412	5,77,000	5,90,000	5,66,000	The increase in 1897-98 is due to privilege leave arrangements and to larger expenditure on allowances and contingencies owing to increase of work in connection with famine.
Board of Revenue ...	2,90,038	2,88,000	2,79,000	2,85,000	
Commissioners ...	6,17,472	5,94,000	5,77,000	6,33,000	The increase in 1898-99 is due to provision having been made for an additional Commissioner for the full year; for the construction of a new steamer for the Commissioner of Chittagong at a cost of Rs. 40,000 and for larger outlay on contingencies.
Civil Offices of Account and Audit ...	74,675	70,000	53,000	50,000	The decrease from 1897-98 is nominal and is due to audit fees received from Incorporated Local Funds being adjusted by reduction of charges.
Total ...	17,56,921	17,28,000	17,02,000	17,24,000	

19A.—Law and Justice—Courts of Law—

High Court ...	11,54,207	11,64,000	11,60,000	11,58,000	
Law Officers ...	3,34,007	3,16,000	3,14,000	3,37,000	
Coroner's Court ...	6,934	7,000	7,000	8,000	
Presidency Magistrates, &c. ...	65,296	65,000	64,000	64,000	
Civil and Sessions Courts ...	47,31,289	46,63,000	47,90,000	47,13,000	The excess in 1897-98 is chiefly for grain compensation allowance and partly for larger expenditure on remuneration to copyists, travelling expenses of witnesses, and process-serving charges.
Courts of Small Causes ...	1,71,710	1,77,000	1,67,000	1,72,000	
Criminal Courts ...	23,84,062	24,21,000	24,57,000	24,15,000	Ditto ditto.
Pleadership Examination Charges ...	15,626	14,000	16,000	16,000	
Refunds ...	89,963	1,10,000	85,000	90,000	
Lump addition for increase to the pay of peons ...	.....	5,000	.....	.....	
Total ...	89,53,040	89,42,000	90,60,000	89,73,000	

19B.—Jails.

Jails—					
Superintendence ...	58,189	57,000		54,000	
Establishments ...	4,97,405	5,01,000		5,02,000	
Dietary Charges ...	7,28,063	5,09,000		5,31,000	The increases in 1896-97 and 1897-98 were due to the high prices of food-grains.
Hospital Charges ...	74,272	78,000		76,000	
Clothing and Bedding of Prisoners ...	87,002	95,000		89,000	
Sanitation Charges ...	28,877	18,000		31,000	
Charges for moving Prisoners ...	62,370	47,000		61,000	
Miscellaneous Services and Supplies ...	1,02,239	1,27,000		1,13,000	
Allowances ...	16,578	8,000		10,000	
Contingent Charges ...	34,201	42,000		43,000	
Extraordinary Charges for Live-Stock and Tools and Plant ...	23,427	12,000		18,000	
Total Jails ...	17,13,806	14,94,000		15,28,000	
Jail Manufactures ...	8,77,185	7,38,000		8,22,000	Larger provision has been made for the purchase of raw materials.
Refunds ...	581	.....		.....	
GRAND TOTAL ...	25,91,572	22,32,000	25,00,000	23,50,000	

20.—Police—

HEAD.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
Presidency Police	7,68,301	7,53,000	7,66,000	7,65,000	
Municipal ,, ...	44,082	45,000	48,000	46,500	
Superintendence	1,65,903	1,52,000	1,50,000	1,59,000	
District Executive Force	46,36,000	44,92,000	48,11,000	45,91,000	The excess in 1897-98 is chiefly due to the grant of gram compensation allowance and partly to temporary police being employed in connection with the plague and famine.
Village Police	20,208	20,000	20,000	65,000	The increase in 1898-99 is due to provision being made for the introduction of the village police system under Act VI (B.C.) of 1870 into Orissa.
Special ,, ...	4,55,282	5,00,000	4,08,000	1,16,500	Decrease in 1897-98 was due to reorganization of the South Lushai Hills Police force and smaller outlay on transport and commissariat charges. The decrease in 1898-99 is due to the transfer of the South Lushai Hills to the Assam Administration from the 1st April 1898.
Railway ,, ...	1,20,440	1,29,000	1,32,000	1,32,500	
Cattle-pounds	4,237	5,000	4,000	5,000	
Upper Burma Police Charges	. .	14,000	14,000	14,000	
Refunds	2,737	6,000	3,000	3,000	
Lump addition for increase to the pay of peons ..	...	2,000	.....	..	
				58,97,500	
Deduct for rounding ...				(−)500	
TOTAL .	62,19,000	61,18,000	64,62,000	58,97,000	

21—Marine—

Salaries and allowances of officers and men afloat	74,398	70,000	68,000	69,000	
Victualling of officers and men afloat	18,685	25,000	20,000	23,000	
Purchase of marine stores and coal for the building, repairs, and outfit of ships and vessels ..	76,476	90,000	71,000	90,000	
Purchase and hire of ships and vessels ...	12,521	20,000	12,000	20,000	
Pilotage, pilot establishments, and vessels	5,20,490	5,57,000	6,00,000	5,37,000	The excess expenditure in 1897-98 was due to larger expenditure on pilotage allowance to free list pilots, which varies according to the number and tonnage of vessels visiting the ports.
Marine establishments	88,176	83,000	85,000	84,000	
Subsidies to steam-boat companies	20,000	20,000	20,000	20,000	
Miscellaneous	50,947	40,000	39,000	29,800	A grant of Rs. 24,000 was made to the Balasore Port Fund in 1896-97, while Rs. 12,500 was granted in 1897-98. In 1898-99 no grant is necessary.
State Yacht establishment	4,096	5,700	6,000	5,700	
Light-house and Light-ships	..	... ..	.....	12,000	Provision for a light for the Kutubdia Light-house at Chittagong, to be indented for from England.
Refunds	543	300	.. ...	500	
Total ...	8,73,032	9,11,000	9,21,000	8,91,000	

22.—Education—

HEAD.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
Direction	85,296	68,000	67,000	67,000	
Inspection	3,31,741	3,38,000	3,54,000	3,63,000	Increases are for the reorganization of the Education Department.
Government Colleges, General	6,24,192	5,12,000	5,32,000	5,25,000	
Ditto Professional	1,74,575	1,75,000	1,64,000	1,86,000	The provision for the Agricultural class and for apparatus for the mining course has been repeated.
Government Schools, General	5,77,340	5,79,000	5,82,000	6,59,000	Provision has been made for the Kurseong Girls' Boarding School, and for larger outlay on boarding charges in the Kurseong Boys' School.
Ditto Special	1,64,945	1,98,000	1,87,000	1,96,000	Provision has been made in 1898-99 for a workshop for the Dacca Survey School.
Grants-in-aid	6,26,370	6,00,000	6,28,000	6,00,000	
Scholarships	1,91,267	1,88,000	1,96,000	1,90,000	
Miscellaneous	64,828	69,000	69,000	1,10,000	Increase due to provision having been made for boarding charges of the Eden Hindu Hostel and for examination charges of schools under the control of the Inspector of European Schools.
Refunds	435	1,000	1,000	1,000	
Lump addition (for the introduction of the reorganization scheme of the educational services and for increase in the pay of peons) ..	.....	20,000	.....	....	
Total ...	27,41,026	27,46,000	27,80,000	28,97,000	

24.—Medical—

Medical Establishment	7,00,819	6,95,000	6,74,000	7,01,000	Saving in 1897-98 is due to deputation of officers on military and famine duties.
Hospitals and Dispensaries	4,82,173	5,14,000	4,76,000	5,15,000	There is less outlay on clothing of patients, contingencies, &c., in 1897-98.
Sanitation and Vaccination	2,01,226	2,23,000	1,84,000	2,04,000	Saving in 1897-98 is owing to absence of officers on deputation.
Grants for medical purposes	50,296	7,000	1,60,000	62,000	Increase in 1897-98 is due to heavy expenditure for the prevention of plague. A provision of Rs. 50,000 has been made for such expenditure in 1898-99.
Medical Schools and Colleges	3,13,729	3,11,000	3,00,000	3,11,000	There is a decrease in 1897-98, chiefly under Salaries.
Lunatic Asylums	1,35,963	1,21,000	1,21,000	1,29,000	Larger provision has been made for raw materials for manufactures.
Special Hospitals	13,094	17,000	14,000	15,000	
Chemical Examiner ...	35,970	29,000	27,000	31,000	
Refunds	7,098	1,000	2,000	2,000	
Total ...	19,40,368	19,18,000	19,58,000	19,70,000	

25.—Political—

Entertainment of Envoys and Chiefs	.....	2,000	...	2,000	Provision made to meet charges that may be incurred in 1898-99.
Durbar presents and allowances to vakils, &c. ...	17,177	14,000	14,000	14,000	The actuals of 1896-97 include charges on account of presents bought in 1895-96.
Miscellaneous	4,440	9,000	5,000	2,000	The estimate for 1898-99 excludes charges for the South Lushai Hills.
Total ...	21,617	25,000	19,000	18,000	

26.—Scientific and other Minor Departments—

HEADS.	Actuals, 1896-97.	Budget estimate, 1897-98.	Revised estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
rovincial Museums	20,134	17,000	18,000	19,000	
mperial Institute	303	500	1,000	500	
onations to Scientific Societies	14,000	16,000	14,000	16,000	The estimates for 1897-98 and 1898-99 include Rs. 2,000 for the Buddhist Text Society.
xperimental cultivation	11,548	15,000	13,000	14,000	
inchona plantation	1,62,215	1,72,000	1,72,000	1,72,000	
ublic Exhibitions and Fairs	2,044	2,000	1,000	2,500	
eterinary and Stallion Charges	20,260	22,000	25,000	34,800	Increase of pay of lecturers and employment of additional establishment and provision for boarding charges of students
otanic and other Public Gardens	1,22,116	1,34,100	1,25,000	1,21,300	Decrease due to the lower rate of salary to the new Superintendent of the Botanic Garden.
migration	23,824	24,400	22,000	24,100	
nspector of Factories	24,710	22,200	22,000	22,400	
ensus	1,457	2,000	2,000	1,500	
egistration of Railway and Road-borne Traffic ...	7,333	6,700	9,000	6,400	
egistration of River-borne Traffic	17,753	17,900	17,000	17,800	
rovincial Statistics	2,454	2,500	2,000	2,500	
nspector of Explosives	1,502	2,100	2,000	2,100	
xaminations...	6,127	4,500	5,000	5,500	
efunds	1,142	1,000	1,000	600	
iscellaneous	2,747	4,000	4,000	2,000	
Total ...	4,42,538	4,55,000	4,54,000	4,65,000	

29.—Superannuations—

nperannuation and Retired Allowances	18,94,931	19,46,000	20,06,000	20,48,000	The increase is due to sanction of new pensions in excess of lapses which were not fully provided for in the budget for 1897-98.
Ditto of Establishment for management of private Estates	237				
ompassionate Allowances	16,832	22,000	22,000	22,000	
ratuities	6,352	7,000	7,000	7,000	
arine Department Pensions	...	57,000	48,000	49,000	
Total ...	19,18,352	20,32,000	20,83,000	21,26,000	

30.—Stationery and Printing—

tationery Office at the Presidency	1,53,176	1,54,000	1,54,000	1,56,000	
Ditto purchased in the country	61,402	70,000	60,000	62,000	
overnment Presses	3,51,254	3,60,000	3,54,000	3,54,000	
rinting at private Presses	1,278	1,000	1,000	1,000	
tationery supplied from Central Stores	5,31,648	5,42,000	5,42,000	5,42,000	
efunds	880	1,000	1,000	1,000	
Total ...	10,98,907	11,34,000	11,12,000	11,16,000	

32.—Miscellaneous—

HEAD.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
Travelling allowances to officers attending examinations	2,677	3,000	3,000	3,000	
Rewards for proficiency in Oriental languages, and allowance to Language Examination Committee	3,199	7,000	4,000	6,000	
Cost of books and publications	617	1,000	1,000	1,000	
Donations for charitable purposes	1,03,801	97,000	99,000	99,700	
Charges on account of European vagrants	6,556	6,000	7,000	6,300	
Rewards for destruction of wild animals	14,138	18,000	15,000	18,000	
Petty Establishments	47,966	47,000	36,000	37,000	Decrease due to the transfer of the charges for Staging Bungalows to the head 45—Civil Works.
Special Commissions of Enquiry	8,178	10,000	5,000	.....	
Irrecoverable temporary loans written off	3,213	4,000	2,000	4,000	
Charges for search of hidden treasure	63		.....	.....	
Rents, Rates, and Taxes	26,495	31,000	27,000	29,000	
Contributions	15,867	15,000	15,000	16,000	
Miscellaneous and unforeseen Charges	1,736	8,000	10,000	8,000	Provision made to meet any unforeseen charges that may be incurred during the year.
Miscellaneous Refunds	7,479	10,000	8,000	10,000	Provision made to meet charges that may occur during the year.
Extraordinary item	331	.....	.....	.....	
Total ...	2,42,156	2,57,000	2,35,000	2,38,000	

33.—Famine Relief—

Imperial	.....	70,13,000	54,60,000	.....	
Provincial	21,55,266	22,18,000	30,78,000	.....	
Local	2,86,816	8,17,000	3,56,000	.....	
Total ...	24,42,082	1,00,48,000	88,94,000	.....	

42.—Irrigation—Major Works—(Working Expenses)—

Orissa Canals	4,65,745	5,67,000	4,90,000	4,63,000	
Midnapore Canal	2,23,927	2,50,000	2,30,000	2,59,000	
Hijili Tidal Canal	38,490	55,000	46,000	61,000	
Sone Canals	5,53,719	5,68,000	5,88,000	5,84,000	
Total ...	12,81,881	14,40,000	13,60,000	13,67,000	

42.—Irrigation—Major Works—(Interest on Debt)—

Orissa Project	10,23,372	10,24,000	10,24,000	10,24,000	
Midnapore Canal	3,29,583	3,29,000	3,29,000	3,29,000	
Hijili Tidal Canal	71,820	72,000	72,000	72,000	
Sone Project	10,39,388	10,39,000	10,36,000	10,34,000	
Total ...	24,64,143	24,64,000	24,61,000	24,59,000	

43—*Minor Works and Navigation in charge of the Public Works Department.*

HEAD.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
IRRIGATION AND NAVIGATION WORKS.					
Works for which Capital and Revenue accounts are kept.					
CAPITAL.					
Works in progress.					
Calcutta and Eastern Canals	4,54,398	2,78,000	3,95,000	1,36,800	This is for the Bhangore Khal improvement project.
Midnapore Canal	6,060	.....	4,504	.....	
Hijili Tidal Canal	36,362	.....	300	.....	
Orissa Coast Canal	20,273	19,000	18,075	14,200	
Orissa Canals	3,,96	1,200	49,189	1,14,600	
Sone Project	10,678	18,700	1,31,400	18,700	The revised estimate for 1897-98, includes a provision of Rs. 1,05,000 for the transfer of the stock of the Dehri Work-shops from 49. Imperial to this head.
Damodar Project	(—)1,200	.....	.....	.....	
Total Capital ...	5,29,707	4,17,000	5,98,468	2,84,500	
REVENUE.					
Orissa Coast Canal	84,185	61,000	59,202	72,000	
Calcutta and Eastern Canals	2,38,178	1,89,000	1,98,548	1,71,000	
Saran project	11,998	1,300	4,800	10,000	
Total Revenue ...	3,24,361	2,51,300	2,62,550	2,53,000	
Total Works for which Capital and Revenue accounts are kept	8,54,128	6,68,300	8,61,018	5,37,300	
Works for which only Revenue accounts are kept.					
WORKS IN PROGRESS.					
Nadia rivers	1,22,289	1,10,000	1,18,690	1,29,000	
Gaighat and Buxi khals ...?	659	1,200	1,200	1,300	
Total Works for which only Revenue accounts are kept	1,22,948	1,30,200	1,10,890	1,30,300	
Works for which neither Capital nor Revenue accounts are kept.					
WORKS IN PROGRESS.					
Eden Canal	1,09,013	72,000	73,217	49,500	
Madhubani Canal	5,791				
Champaran Canal	9,158				
Total Works for which neither Capital nor Revenue accounts are kept .	1,23,962	72,000	73,217	49,500	
Total Irrigation and Navigation Works ...	11,01,038	8,60,500	10,54,125	7,17,100	
AGRICULTURAL AND DRAINAGE WORKS.					
Works for which neither Capital nor Revenue accounts are kept.					
WORKS IN PROGRESS.					
Government embankments and works for the improvement of Government and escheated estates	4,73,260	6,64,500	6,89,730	7,05,900	The revised estimate includes a grant of Rs. 30,000 for the repair of the Kutubdia embankments in the Chittagong Division.
Takavi embankments	2,03,910				
Total Agricultural ...	6,77,170	6,64,500	6,89,730	7,05,900	
Total 43.—Minor Works and Navigation ...	17,78,206	15,25,000	17,43,855 or 17,44,000 in round numbers.	14,83,000	

43.—Minor Works and Navigation in charge of the Civil Department.

HEAD.	Actuals, 1896-97.	Budget Estimate, 1897-98.	Revised Estimate, 1897-98.	Estimate, 1898-99.	REMARKS.
1	2	3	4	5	6
Embankments under the contract system—					
Establishments	1,466	1,452	1,600	1,452	
Contingencies	47	148		48	
Maintenance charges of the Rajapore and Howrah drainages	.....	4,000	2,400	11,844	Increase due to the establishment charges of the Rajapore Drainage Scheme recently capitalized.
Maintenance charges of the Dankuni and Howrah drainage	2,472	2,400			
Travelling allowance	917	.....			
Compensation for dearness of provisions	9	.....	.....	... .	
				13,344	
Deduct for rounding ...				344	
Total ...	4,911	8,000	4,000	13,000	

45.—Civil Works in charge of the Public Works Department.

Original Works	[illegible]	15,44,034	11,15,000	12,27,000	Increase due to repairing of damages caused by earthquake.
Repairs	[illegible]	9,95,000	11,63,000	11,69,000	
Establishment	[illegible]	6,85,906	6,80,000	8,40,775	
Tools and Plant	20,275	25,000	17,000	29,225	
Suspense	57,3[illegible]	... ..	.....	.. ...	
Total ...	35,24,575	32,50,000	29,75,000	32,06,000	

45—Civil Works in charge of the Civil Department.

Ferry charges	17,442	10,000		34,200	Transferred to Assam from 1st April 1898.
Refunds of ferry tolls	25,661	25,800			
Contributions to Excluded Local Funds and Municipalities	(a).....	50,000		43,000	
Public Works, South Lushai Hills	61,427	50,428		.....	
Ditto, Angul	5,095	.....		.....	
Other Public Works	(a)1,94,150	.....		.....	
Staging bungalows and encamping grounds	.....	.....		12,800	
		1,36,228			
Deduct for rounding ...		228			
Total ...	3,04,375	1,36,000	1,26,000	90,000	

(a) Included under Other Public Works.

[*Mr. Risley : Babu Norendra Nath Sen.*]

CALCUTTA MUNICIPAL BILL.

The Hon'ble MR. RISLEY moved that the Bill to amend the law relating to the Municipal affairs of the Town and Suburbs of Calcutta, and to authorize the extension of the same to the town of Howrah, be referred to a Select Committee consisting of the Hon'ble Rai Durga Gati Banerjea, Bahadur, the Hon'ble Mr. Oldham, the Hon'ble Mr. Buckley, the Hon'ble Sahibzada Mahomed Bakhtyar Shah, the Hon'ble Mr. Turner, the Hon'ble Babu Norendra Nath Sen, the Hon'ble Babu Surendranath Banerjee, the Hon'ble Mr. Spink and the Mover.

The Hon'ble BABU NORENDRA NATH SEN said:—"When asking for leave to introduce the present Bill in Council, the Hon'ble Member in charge of the Bill, with a view to explain the necessity for an amendment of Act II of 1888, pointed out how during the nine years the Act has been in force 'it has given rise to more doubt and difficulty as to its construction and operation than any Act that has been passed by this Council. It has been condemned on material points by the Courts, by the many learned Counsel who have advised on its interpretation, and by most of the officers who have had to do with its working.' So far, there is hardly any difference of opinion, and I am prepared to give my cordial support to a Bill which seeks to remove the uncertainties and supply the deficiencies of the Act, and to give the Corporation and the Calcutta public, in its place, a well-considered and effective Code with clear and unambiguous provisions.

"I regret, however, that the present Bill goes much further, and seeks to introduce radical changes in the constitution of the Municipality which are of a distinctly retrograde character, and entirely subversive of the principles of Local Self-Government in the Municipal Administration of Calcutta.

"In fact, Sir, I do not think that a measure of a more reactionary and revolutionary character has ever been introduced in this Council, and not only the Indian rate-payers of this City, but also all Indian inhabitants outside the limits of Calcutta, have been struck with dismay and consternation, and there is quite a panic among them. I am not in the least exaggerating the popular feeling on the subject. With all the pains that the Executive Government has taken to find a plea for the justification of its action in moving the Legislature in this matter, I submit, Sir, that not a shadow of a case has been made out against the Calcutta

Municipal Corporation for striking a blow at its constitutional independence. So far as the principle of the Bill is concerned, I may be pardoned for characterising the measure as a great mistake. It is unnecessary, unjust and uncalled-for. Nearly fifteen months have been spent in rummaging the old records of the Corporation to justify the present legislation. The plague, which is answerable for many of the ills from which India has been suffering for nearly two years, came in, in time, to strengthen the hands of the Government. And here we are now in the midst of a crisis, such as has not visited Calcutta during the whole period of its municipal history. There would have been some intelligent reason for the proposed measure if it had been preceded by a visible deterioration of health or an exceptional kind of unhealthiness in the City, or by a well-grounded agitation against the administration of our municipal affairs. But we see no such thing. The present Bill is introduced on the mere assumption that 'Calcutta is in a terribly insanitary condition.'

"At the present stage of the Bill, I have no intention to make any reference to the details of the measure, some of which are open to grave objection, and will prove greatly oppressive to the rate-payers. These are matters which can more fitly, and with greater advantage, be discussed at a later stage.

"Originally the town was divided into a small number of wards. Each ward elected its own Commissioner, who received a monthly salary of Rs. 250. The elected Commissioners, generally one European and three Indians, took their morning rounds daily to satisfy themselves of the condition of the roads and drains. This system was replaced by a Government triumvirate, consisting of the Commissioner of Police as Chairman, the Surveyor-General of Calcutta, and a whole-time Vice-Chairman who conducted the Municipal Administration of the City up to the year 1863, when the Corporation was constituted under a body of Justices, appointed by Government. In 1876, the Corporation was re-constituted on an elective basis, two-thirds of its members being elected by the rate-payers, and the remaining third being nominated direct by Government. In the legislation of 1888, the proportion of Commissioners, elected by the rate-payers, remained the same, but the Government conceded to the Bengal Chamber of Commerce, the Calcutta Trades' Association and the Port Commissioners the privilege of electing two-fifths of the one-third to be nominated by Government.

"The success of the elective system, introduced in 1876, was made the basis for demanding an extension of the elective element in the Corporation, when

[*Babu Norendra Nath Sen.*]

the present Act was before the Council, for giving the Commissioners a of the in the appointment and removal of their Chairman, and for larger powers quote greater independence in other matters, and although all the privileges asked for al were not granted, some substantial concessions were made, and, among other things, the privilege of fixing the pay of the Chairman within certain limits, as also of demanding his removal from office, was granted to the Commissioners. On the whole, the policy of the Legislature in this matter has been liberal and progressive.

"During the last twenty-one years or so that the present system of Municipal Government has been in force, immense improvements in various directions have been carried out; the old complaint of chronic financial embarrassment has entirely disappeared under the wise and judicious administration of the Commissioners, and in spite of the enormous outlay on works of improvement and the extension of the drainage system and of water-supply, both filtered and unfiltered, the finances of the Corporation during the last few years have never been in a more prosperous state, nor did its credit ever stand any higher than in the last few years.

"It is very much to be regretted that just at the very time, when the system of Municipal Self-Government in Calcutta has been working smoothly and efficiently, and when the successful result of its working has shown itself in various directions, that this most objectionable legislative measure should be introduced in this Council. Authoritative testimony has been concurrent as to the good work done by the Corporation under the present elective system. It is useless for me to refer to the decided testimony borne by the Sanitary Commission, appointed under Section 28 of Act IV (B. C.) of 1876 to enquire into certain matters connected with the sanitation of Calcutta, that 'real and solid progress has been made' by the Corporation in the path of sanitary improvement; or to what was said by Dr. Kenneth Macleod some years ago, that 'to sight and sense Calcutta has, within living memory, undergone a revolution,' and that the policy of the Corporation has been attended with 'gradual and progressive reform.' I am afraid that the initiation of the present measure is due more to a misapprehension of the actual state of things than to anything else, for it is well known to those who can speak from personal knowledge and experience that the truth is, that if the Municipal Government has in this City suffered now and then, it is because of the apathy

[*Babu Norendra Nath Sen.*]

Municipal negligence of the Executive. Many of the shortcomings of the Corpora-
far as th as set forth in the letter of the Government of Bengal, dated the 7th
the March, 1898, to the Government of India, rightly belong to the Municipal Execu-
N tive, but they are sought to be laid on wrong shoulders. I think, Sir, that it is not right to make the Corporation responsible for any imperfections, unless it is empowered to appoint and remove its Executive Officers. At present it is impotent, in many instances, to enforce its orders. The Commissioners are now unjustly held responsible for what is the result of the *insouciance* or negligence of their Executive Officers. In many instances, the Executive officers require watching and control, so that they may be kept up to the work. Already the Municipal Executive possess large powers, and it is not at all desirable that those powers should be increased still further. And yet the Bill seeks to throw larger powers into the hands of the Executive. This is the most objectionable feature in the Bill, and I strongly protest against it. The powers, possessed by the Executive, are so large indeed, that some of the former Chairmen of the Corporation were looked upon as nothing short of autocrats. When the existing Act was passing through the Council, there was great opposition to the proposed enlargement of the powers of the Executive. For the proper working of the Corporation, it is desirable that its Executive officers should be made as little independent of it as possible, except in the matter of details.

"The irregular proceedings of the Municipal Executive in many matters have become a bye-word among the inhabitants of this City. The Executive have failed repeatedly in the discharge of their most important duties, and to place larger powers in their hands would be most dangerous, indeed. I contend that the Executive have not shown that they are fit to be entrusted with still more extensive powers. It is a vicious system which obtains in Calcutta to combine administrative, executive, and deliberative functions in one and the same person, who happens to be the head of the Municipal Executive, when such person is answerable to the Commissioners for many things done by him in his executive capacity. Such a system does not exist at least in Bombay. It is a strange anomaly that the Calcutta Municipal Chairman should be allowed to preside over meetings, called to judge of the shortcomings of the Executive officers, of which he is the head. The Municipal Commissioners in consequence not unoften feel powerless to cope with many evils. No City

probably suffered more from giving extensive powers to the head of the Municipal Executive than Bombay before 1872. 'Before that time,' to quote the words of *Maclean's Guide to Bombay* for the current year, 'the municipal administration had been conducted by a Commissioner and the Bench of Justices; but the powers of the Commissioner were so extensive that he became practically irresponsible, and though he did excellent service to Bombay, he expended the rate-payers' money so lavishly that in 1871 something like a popular revolution was accomplished, and the Government felt itself compelled to create a new municipality in which the rate-payers themselves should by their representatives have an authoritative voice.' The instance of Bombay, I think, ought to be a sufficient warning to Calcutta, and to put us upon our guard against the abuses which always result from absolutism. For, practically, the Bill gives absolute powers to the Municipal Chairman, subject to the control of what I should call a packed General Committee of twelve members. If the Bill be passed into law, we shall simply revert to the 'good old rule, the simple plan of absolutism,' which prevailed in Bombay at one time, and proved the ruin of that City. I cannot too much dwell on the magnitude of the injustice of extending the large powers, already possessed by the Executive, when such powers have shown a frequent liability to be abused.

"The Commissioners, as a body, and also individually here and there, have probably many shortcomings to answer for, but their worst enemies cannot deny that theirs is a record of work which any body of administrators may very well look back upon with pride and satisfaction. On the whole, I maintain that the Commissioners have deserved well of Government and the Calcutta public for the success of their administration, which is in no small measure due to the time and energy devoted by individual Commissioners, unstintingly and ungrudgingly, and in many cases at considerable personal sacrifice, towards the work of the town. One might naturally have expected that when this Council next undertook the revision of the existing Act, it would show its appreciation of the work done by the Corporation, by an extension of the principles of Self-Government both in the constitution of the Corporation and in the powers conferred upon it. It is sad and disheartening to find that the Government has come forward with condemnation of the Commissioners, instead of thanks, and with proposals to practically destroy self-government instead of extending it.

[*Babu Norendra Nath Sen.*]

"The Bill treats, I am sorry to find, with scant courtesy that element in the Corporation which has hitherto been the most predominant and most useful element in it, and which has contributed so greatly to the success of Municipal Self-Government in Calcutta, and made it more a reality than a name. What has it done, that it should be practically kept out of the proposed General Committee of 12, and why should that particular element, which has hitherto done the least for the Corporation or for the rate-payers, be allowed to have a potential voice in the deliberations of the General Committee? One of the most magnificent boons that England has conferred upon India is Local Self-Government, and since its introduction into this City the Indians have shown themselves to be in earnest in exercising fully and freely all rights of citizenship, accorded to them by law, and in making municipal institutions a reality in Calcutta. Whether in Bombay or in Calcutta, the Europeans have not cared to trouble themselves much about municipal affairs, or to take ordinary pains even to be represented on the Corporation. Not only have the European wards failed to return to the Corporation European Commissioners to represent their interests in Calcutta, but some of those wards have even sometimes failed to elect any Commissioners at all; and in such cases the Government has stepped in, and by reason of default on the part of those wards, nominated, under the law, fit persons to represent them, at the expiration of the time, allowed by the Act. I distinctly remember one such instance in which about 17 years ago, Dr. Cayley and my friend, Maulvi Muhammad Yusuf, Khan Bahadur, were nominated by Government to seats on the Municipal Board by reason of default on the part of wards Nos. 15 and 16. I do not know, Sir, on what principle of justice such treatment, as is contemplated by the Bill, should be meted out to the Indians who have done so much to further the cause of Municipal Self-Government in Calcutta. If the Europeans have not been such a strong element in the Corporation, it is their own fault. If they have been in a minority, there is no help for it. And what the Bill in effect seeks is to enable a minority to control a majority. If the voters of Calcutta have elected so many Hindu Commissioners, it is because they have preferred them to others, and it is because the Hindus form numerically the largest ratio of the population, that is over two-thirds of it. It is better by far that the semblance of free institutions we have got in Calcutta should be altogether swept away than that there should be such legislative interference as to restrain and hamper the elective system so much. People look upon the present measure as a sort

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of class legislation, trying to introduce the domination of a minority over a vast majority, though the minority may have no abiding interest in the City. No one would deny the importance of the commercial and trading interests, so far as the municipal administration of Calcutta is concerned. The Indian Municipal Commissioners of Calcutta have been always too glad of the help and co-operation of their European colleagues. The energy and zeal of some of the European Commissioners have contributed much to the sanitary improvement of the City, and to the merciless exposure of many irregularities of the Executive. The obligations of the Indian inhabitants of Calcutta to the local non-official European community are as great as they are numerous. Whatever of political life the Indian inhabitants of this City have acquired, they owe chiefly to their non-official European fellow-subjects. They know, too, that they can carry out many municipal reforms effectually and promptly with the assistance of their European friends. But it is their misfortune that they have fallen upon evil times, that they do not often get such assistance as they did in the past. The fact is that the present generation of non-official Europeans are too much engaged in their own business to be able to give any portion of their time and attention to public affairs. These are days of keen competition in the commercial and trading world. The Bill proposes to tempt them from their work by offering a fee of Rs. 32 for attendance at each meeting of the General Committee. But this will hardly be a sufficient inducement to the higher class of Europeans. And so the proposed measure will fail in its object in this respect, while it will have the appearance of importing a race question, for the obvious object of the measure is to break the preponderance of the Hindu element in the Corporation. I know that the great sin of the Corporation is its Hindu majority, and, however useful work the elected Hindu Commissioners may have done since the year 1876, they are at present the best abused men in the City, for whom no sneer or ridicule is too bitter or scathing.

"The present Bill seeks to reduce the Corporation to a nullity by depriving it of all powers of control which it has exercised during all these years, to the eminent advantage of the administration, while it concentrates all powers in the Executive and a Committee of twelve, on which the representatives of the rate-payers would be in a standing and hopeless minority, and makes them to a certain extent independent of each other, and answerable to none. Nothing

can be surer than this, that if the Bill be passed into law in its present shape, the popular element in the administration of the town, with all its safeguards against Executive high-handedness and extravagance, would entirely disappear, and give place to a system of administration which would be a curious admixture of despotism and oligarchy with all the attendant dangers of both.

"The explanation of the attitude taken up by Government in this matter was shadowed forth in your speech, Sir, at the opening of the current session, and has since been given in an amplified form in the speech of the Hon'ble Member in charge of the Bill, when asking for leave to introduce it in Council, and in the published correspondence between the Governments of India and Bengal on the subject of the present Bill.

"From these speeches and the correspondence, it appears that, in the opinion of the Government of Bengal, the Municipality has no constitution, that 'everything is fluid and indefinite;' that it is 'impossible to say in what part of the system the Executive resides, or indeed whether there is any Executive at all'; that there was 'a complete breakdown of the conservancy of the town at a critical period' (referring obviously to the autumn of 1896, when the plague first appeared in Bombay), 'and serious confusion in many other departments of the municipal administration without the possibility of determining with any approach to certainty where the responsibility for such a state of things lies.'

"The proposed remedy for all these evils is to define the powers of the Executive, which means to vest in the Chairman almost all powers which under the express provisions of the present Act, the Chairman can exercise on behalf of the Commissioners, subject to the possibility of their revision and control, and thus make him accountable to no one; and others, including almost all those which, under the present Act, are reserved to the Commissioners-in-meeting, in a Committee of 12, of which two-thirds would be nominated by Government, and by the European mercantile and trading community and the Port Commissioners, while only the remaining third will represent the rate-payers. Leaving out the general body of the Corporation which, if the present Bill be passed into law, would be of no account, this Committee of 12 would, for all practical purposes, be the governing body, and supply the place occupied by the general body of the Corporation under the present Act; and by this Bill it is now sought to reduce the proportion of elected members from two-thirds to one-third, and increase the proportion of the nominated Commissioners from one-third to two-thirds.

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"Now, let us examine the position a little carefully. Under the present Act, the Chairman has certain powers reserved to him. Certain powers are vested in the Commissioners, and certain powers are reserved to the Commissioners-in-meeting. Under the express provisions of law, all powers, vested in the Commissioners, can be exercised by the Chairman. But he cannot act in opposition to, or in contravention of, any orders passed by the Commissioners-in-meeting, and if any order, already passed by him, is brought before a Meeting, and modified or disapproved, he has to modify or cancel his action accordingly.

"The Hon'ble Member in charge of the Bill sums up these provisions in the following words:—'The Chairman, as such, has virtually no powers under the Act. Whatever he does, he does on sufferance with the knowledge that the power he has ventured to use may be withdrawn from him by a Resolution, or that the action which he has presumed to take may be upset with retrospective effect,' and suggests by implication that if in these circumstances the Chairman is apathetic or inactive, he has good reasons on his side. Now, I maintain that this is not a fair summary of the situation at all. This would practically amount to saying that a person cannot exercise any powers, unless he is to be made absolutely unaccountable to any one. Such a proposition would be preposterous. Where are the grounds for assuming that the Commissioners are a set of perverse men, who cannot be trusted with powers of control with judicious discretion? Where are the instances of reckless and irresponsible exercise of the powers of control, and in the face of the protests of the Chairman?

"Far better it would be for the rate-payers and residents of the town that the Municipality should be administered as a department of Government as it was before 1863, rather than its government should be made over to a handful of men, accountable to no one for their actions.

"The present Act has been in force for nine years. There have been three Chairmen during the first seven years of this period—the late Sir Henry Harrison, the late Mr. Harry Lee and Mr. Ritchie. Not one of them ever complained of the reckless interference of the Commissioners, so as to seriously hamper Executive action. They worked with the Commissioners generally in a spirit of harmony, and there was no complaint. During the next two years there have been two Chairmen—Mr. Williams and Mr. Bright. Neither of them was

sufficiently long at the head of affairs to make themselves thoroughly acquainted with the work. Moreover, they were both in indifferent health, and have been obliged to go on furlough within a short time of their appointments to the office on the score of failing health, and if these gentlemen or any of them have thought fit to complain of the undue interference of the Commissioners, such complaints ought to be rated at their proper value, and not allowed to override the opinion of equally able, if not abler, men, who have been longer connected with the administration of the Municipality.

"The next point which requires consideration, is what has been said about the breakdown of the conservancy of the town at a critical moment, and the existence of serious confusion in many other departments of the municipal administration without the possibility of determining where the responsibility lies. With the utmost deference to your opinion, Sir, I would submit that it would be quite possible to fix the responsibility on proper investigation, and I am strongly of opinion that in justice to the Commissioners, as well as in the best interests of the town, such an investigation ought to have preceded any legislation for providing a remedy for the state of things referred to by Government in this Council. It is my duty to tell you, Sir, with the utmost emphasis at my command, that there is a very strong feeling among the Commissioners that they have been condemned unheard.

"Without alluding in detail to the different departments in which confusion is said to have prevailed, I need only say that, in the absence of any proof to the contrary, it is obviously the Executive alone which must be held responsible for such confusion. To the credit of the Commissioners, it should be said, and borne in mind, that it was mainly through their efforts, and sometimes, in spite of the obstructiveness of the Executive, that attention has from time to time been drawn to irregularities and malpractices in different departments of the Corporation. It was the Commissioners who unearthed the irregularities in the Collector's Department and in the License Department many years ago, and re-organised those departments. In recent years, the irregularities and malpractices in the Workshops, and in the Warrant Department, have been brought to light, through the exertion of the Commissioners, and even at the present moment, a strong Committee is engaged in making enquiries with reference to certain allegations which, if substantiated, would prove that serious irregularities, if nothing worse, have pre-

vailed in one of the spending departments of the Municipality. The Executive heads naturally dislike enquiries by Committees, as when irregularities and malpractices are eventually established, they indirectly reflect on the want of proper supervision by the Executive heads. As I have already said, instances are not rare in which the Executive have supplied the brake-power, and the Commissioners had to supply the motive-power, in bringing departmental irregularities and malpractices to light.

"With reference to the neglected state of the conservancy, I would merely draw attention to some of Dr. Banks' reports. He removed 14 tons of refuse from one privy in Harrison Road, and he reported that another privy in Burtola Street was full of night-soil, and choked by 50 old shoes. This proves that the Commissioners were perfectly justified in their reiterated complaint that the Health Officer and his supervising staff were not doing their duties, and that the Executive required a rude awakening and stricter interference from the Commissioners.

"Dr. Banks reported that some of the night-soil depôts were in bad repair, and that in one of them, the floor was completely broken up. This proves that the Executive failed in attending to what was urgently required for the purposes of sanitation.

"If, as Dr. Banks reported, the refuse-carts are so badly constructed that the bullocks and ponies are needlessly knocked about, the Executive alone can be considered at fault. If the surface drains are badly aligned, and if the Conservancy Department throw urine from cowsheds into drains, instead of emptying it into the sewers, the inevitable conclusion ought to be that the Executive are inefficient, unless it can be shown that the Commissioners prevented them from doing their duties.

"As regards the construction of insanitary buildings, it is an open secret that the Executive, instead of taking vigorous steps as soon as the construction of such a building is commenced, defer taking any action till it is too late. It is a fact that the Commissioners on several occasions ordered the demolition of houses, constructed in contravention of the existing building regulations. Is it not worth enquiring why the Resolutions of the Commissioners were not carried into effect? Only two explanations are possible. Either the building regulations are bad and unworkable, or the Executive are

inefficient. If the Building Committee, in a few cases, permitted slight deviations from the bye-laws, and sanctioned plans, they dwindle into insignificance before the deviations taken no notice of, or permitted by the Executive.

"On the first alarm of the plague in Bombay reaching Calcutta, the Commissioners at once placed the sum of Rs. 3,000 at the disposal of their Health Officer for the adoption of precautionary measures against the plague—*vide* Proceedings of the 26th Meeting of the General Committee held on 25th September, 1896. At the same time, the Commissioners requested the Health Officer to pay daily visits to different parts of the town instead of three visits in the week, and to issue strict orders to his subordinates to pay particular attention to the cleansing of the town. The Commissioners did more. In addition to this, they individually visited different parts of the town with the Acting Chairman to see how the work was going on. At their next meeting, held on the 28th September, 1896, the Health Officer asked for an allotment of Rs. 36,000 for six months and Rs. 6,000 for the cleansing of certain filthy parts of the town, and for the adoption of precautionary measures against the plague. The Commissioners immediately consented to vote a grant for the extra carts and coolies required, but declined to appoint any Medical Inspector or Chief Superintendent on Rs. 1,000 a month, since they contended that the Health Officer with his existing supervising staff ought to be able to do the work. Eventually, at a special meeting of the General Committee, held on the 5th October, 1896, the proposal of the Health Officer to entertain a certain number of additional Medical Inspectors was sanctioned, and it was decided to apply to Government for the services of an officer on a pay, not exceeding Rs. 1,000 a month, for three months, to superintend the cleansing of the town, and introduce a system of organisation, under which the town would get the fullest benefit of the amount spent on its conservancy, it being the general opinion that through the incompetency of the Executive in the Health Department, the Commissioners did not get sufficient work out of the men employed.

"Besides this, the Commissioners granted Rs. 1,000 for sewer flushing, Rs. 31,449 for the construction of flushing chambers in ward No. 2, and Rs. 1,221 for connecting the bathing platforms with the filtered water-supply, with a view to relieve the unfiltered water-supply for sewer flushing.

"The following passage is an extract from the letter of the Government of Bengal, dated 7th March, 1898:—'Although on the 30th November, the Medical

Board addressed to the Corporation a number of specific recommendations for the cleansing of the City, it was not till the 22nd of January, and then under the strongest pressure from Government and the Medical Board, that they sanctioned a grant of Rs. 30,000 towards a further temporary establishment for cleaning up the town.' Nothing could be more unfair to the Commissioners than this. The Commissioners had long before this resolved on spending any reasonable amount of money for thoroughly cleaning up the town, and it was entirely due to the Executive that a definite scheme was not laid before the Commissioners until January, 1897.

"The Bengal Chamber of Commerce have a potent voice in the Corporation, if they only choose to exercise it. They have in their individual capacity a large property vote, and besides have the privilege of sending four representatives directly to the Municipal Board. The representations of the Chamber, whether made directly by them or through their representatives, have always received the respectful and prompt attention of the Commissioners.

"I would here take the liberty of quoting the opinion of a European gentleman who has sat on the Municipal Board ever since the present Act came into operation, as a representative of the Calcutta Trades Association:—'It is taken for granted that because we, European Commissioners, are in the minority that we can do nothing, and that in any attempt at reform, we are outvoted and sat upon by an overwhelming majority. This is not my experience; and I have been a Commissioner for seven years, and I can honestly say, and I feel it my duty to say, that in all my attempts at improvement in the special subject I have taken in hand, I have received the readiest assistance, and no opposition from the natives, but the difficulties I have been confronted with have always been from the Executive. Improvements have been initiated, passed without opposition, funds found and voted, and yet owing to the ineptitude of the Executive, nothing has been done.'

"The weakest part of the Bill is that it makes an indirect attempt to undermine the independence of the Corporation, and to reduce it to a non-entity. It deals almost a death-blow at Local Self-Government. If Self-Government in Calcutta has failed, let it be abolished by all means. But while it lasts, its integrity and independence must be respected.

"Municipal Self-Government is an important political experiment in this country. Not many years ago, Her Majesty the Queen-Empress attached

particular significance to the successful development of this movement, on which depends the chance of any further extension of the representative system of government in this country. The success of the experiment is now an admitted fact. To use some of the words and arguments of a Bombay petition from the municipal body of that City, submitted to Government some years ago, 'such general success is compatible with occasional blunders and miscarriages.' Municipal Corporations in India have been established in pursuance of a policy which aims at fostering habits of self-government among the people of this country. Habits of self-government cannot be acquired or usefully exercised without freedom of action. The danger of a Municipality lies in its liability to too much interference of Government with its duties and responsibilities, however wholesome Government interference sometimes may be. Too much of such interference will deprive a Municipality of that independence, so essentially necessary to its successful working. Government should not be allowed to usurp the functions of Municipal bodies, except when they are proved to be wrong. This Bill is essentially opposed to the principle on which the Corporation is constituted. It is calculated to destroy the sense of trust and responsibility, reposed in the Commissioners. It will make the Corporation self-governing only in name. This Bill goes against some of the fundamental principles, enunciated in the Resolution of the Government of India on Local Self-government, dated the 10th October, 1881. Some of these principles are :—

'The Governor General in Council has no hesitation in stating his conviction that the only reasonable plan open to the Government, is to induce the people themselves to undertake as far as may be the management of their own affairs, and to develope and create, if need be, a capacity for self-help in respect of all matters that have for imperial reasons to be retained in the hands of the representatives of Government.

'The non-official members must be led to feel that real power is placed in their hands, and that they have real responsibilities to discharge. It is doubtful whether they have, under present arrangements, any sufficient inducement to give up their time and attention to the transaction of public business.'

"In giving his qualified assent to the existing Act, Lord Ripon, as Viceroy of India, said :—

'Having regard to the great importance, attaching to the development of municipal and other similar institutions in India, it appears to the Governor General most desirable to avoid as far as possible taking any step which may have the appearance of arresting the growth of such institutions or of unduly restricting their liberty of action.'

"In another place, he remarked :—

'It must be remembered that the introduction of municipal institutions into India is only of comparatively recent date, and that even in England, where such institutions are of long growth, and are consonant with the habits of the people, many instances might be adduced from the records of Town Councils and other local bodies not only in the past, but also in the present day, of proceedings little, if at all less, open to criticism than the most noticeable of the cases which have given ground for complaint in this country.'

"The fate not only of the Calcutta Corporation, but the development also of Local Self-Government in this country, will depend very much upon what ultimately awaits this Bill. I have no hesitation in saying that the Bill is a direct menace to the existence and extension of Local Self-Government in this country.

"In the Statement of Objects and Reasons, appended to the Bill, we are told that it is sought to attain the ends of the Bill by re-constructing the existing Act more or less on the lines of the Bombay Municipal Act with certain material changes, &c. But it is most curious that while the Bill copies some of the sections of the Bombay Act, more or less important, it eschews altogether some of the redeeming features in the Bombay Municipal system. It would have been a decided gain to our City if the constitution of the Calcutta Corporation had been assimilated somewhat to that of the Bombay Corporation. The Standing Committee of the Bombay Corporation, corresponding to the General Committee of the Calcutta Corporation, has its own separate Chairman. It consists of 12 members, of whom 8 are appointed by the Corporation and 4 by Government, the Chairman holding his office for a year only, and is elected by the members of the Committee. The Corporation has also its own separate Chairman, who also holds his office for a year, and is elected by the members of that body. The entire Executive power and responsibility are vested, for a renewable term of three years, in the head of the Municipal Executive, who is known as the 'Municipal Commissioner of the City of

Bombay.' He is entitled to be present at all the meetings of the Standing Committee and the Corporation, to take part in the discussions at those meetings, but he is not allowed to vote upon, or to move any Resolutions. The head of the Bombay Municipal Executive does not possess such uncontrolled authority as the Calcutta Municipal Chairman does. While the head of the Executive of the Bombay Municipality is not allowed to vote at any of its meetings, the Chairman of the Calcutta Municipality is allowed a casting vote, and also to move any Resolution he likes. The system is wrong in principle, and leads to much abuse. The Bill gives no power to the Calcutta Commissioners to elect their own Chairman, either of the General Committee or of the Corporation itself, while the Chairman is allowed to be the Chairman of the Corporation as well as of the General Committee, and to be at the same time the head of the Executive. If the Calcutta Chairman, therefore, is not an autocrat, I do not know who is. And yet the Bill seeks to make him a greater autocrat still! A more dangerous state of things can hardly be conceived, and the worst of it is that while the 72 Commissioners, of whom 50 are elected, are allowed to remain untouched, they will be all dummies excepting the fortunate twelve within the charmed circle of the General Committee. The elective system will remain only in name, while everything will be done by the Municipal Chairman or rather the Municipal autocrat, in the sacred name of that system! The General Committee will be a packed body altogether, for out of the 12 members, constituting the Committee, not 8, as in Bombay, but only 4 will be returned by the Corporation; and with the help of this packed body, the Chairman may at any time execute his sweet will and pleasure."

The Hon'ble MR. TURNER said:—"On behalf of the body which I have the honour to represent, the Bengal Chamber of Commerce, I beg to express my entire satisfaction at the introduction of the Bill now under discussion which aims at the improvement and partial re-construction of the municipal body as it now exists in Calcutta, and I congratulate the Hon'ble Member in charge of the Bill on the very able, clear and exhaustive statement which he made on the occasion of introducing the measure into this Council. The Chamber of Commerce has addressed the Government of Bengal on the shortcomings of the Calcutta Municipality at various times, notably in July, 1895, September, 1896, and January, 1897. In July, 1895, the Secretary of the Chamber had occasion to call the attention of the Secretary to the Government of Bengal to the

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increase of fever of a typhoidal character throughout the City and the insanitary construction of the City generally. The letter also referred to the possible danger of, and the very serious consequences which would follow from, the introduction of plague into Calcutta which at the time had appeared slightly at Singapore. Mr. Clarke, the then Secretary, went on to say: 'The Committee have reason to believe that there is a very strong feeling on the part of a section of the community that efforts should be put forth by those responsible for the health of the City to grapple with its insanitary evil, and I am to say that as the Municipal Commissioners have failed to do so, the Committee consider the time has arrived when the Government of Bengal should lend its influence and help to rectify the state of affairs I have alluded to.' The attention of Government was also drawn to the terrible state of the trenching ground to the south of the city at Goragacha in the midst of the populous suburbs of Alipore, and the Committee appealed to Government to take action under the controlling section of Act II of 1888.

"In 1896, the Committee of the Chamber had again occasion to call the attention of the Local Government to the necessity for taking special precautions to prevent the importation of plague into Calcutta, a misfortune which the Committee considered was beyond the power or capacity of the Municipal Corporation to deal with.

"In January, 1897, the Secretary to the Chamber addressed a long communication to the Secretary to the Government of Bengal, Municipal Department, dwelling earnestly on the very serious state of the city of Calcutta which was a source of danger and apprehension in the face of the plague existing in Bombay. The Committee referred to the report of the Medical Board, dated 28th October, 1896, on the sanitary condition of Calcutta, especially to the complaints of the bad working of the sewerage system of the City, the want of sufficient water for flushing drains, and the consequent tendency for the sewers to 'become elongated cess-pools.' The letter referred to the disgraceful condition in which certain portions of private houses were kept and the terrible state of insanitation which constituted a permanent and standing threat against the health of the inhabitants and the prosperity of the City. The Committee considered that the report called for more than the attention of the Municipal Commissioners, as the matter concerned not only the Government of Bengal,

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but the Supreme Government. They called upon the Government to consider the question of legislation for the improvement of the Municipal Act so as to make it more readily effective.

"As regards the question of the sanitation of Calcutta, I think it must be admitted by all parties that it is a matter which not merely concerns our Local or Imperial Government, but it is a matter of International importance. For some years past the attention of Foreign Powers has been directed towards the health of India. I remember some few years ago, when an outbreak of cholera occurred in Bombay, how certain Continental Powers at once took fright and issued stringent orders in regard to the quarantine of all vessels sailing from Bombay. The rules were strictly and rigidly enforced. After a time the former stringent restrictions against an ordinary epidemic, such as we look upon cholera in this country, were generally modified, but with the advent of plague to India, Foreign Powers have become more alive than ever to the necessity for watching carefully the sanitary condition of India as a whole. But as the Hon'ble Mr. Risley observed, Diplomacy and Science joined hands, and the famous Venice Convention of 1897 was an all-important result. Clear and absolute rules were drawn up in regard to the treatment of cargo and passengers arriving from infected ports. Disinfection and observation were substituted for quarantine, and the regulations agreed to were fair and reasonable. But a stricter watch than ever is kept on the sanitary condition of India, and it is therefore not only necessary, but the duty of Government to take such steps as will provide for an efficient and complete working of the municipal bodies in all Presidency towns. It is difficult, it is almost impossible, for us to realise what would be meant if plague appeared in Calcutta, and Foreign Powers blocked the importation of merchandise from Calcutta, Bombay and Kurrachee. It would mean that the foreign export trade of India would cease; disaster to the commercial classes would follow, and a financial crisis might have to be faced by the Government itself. Now I think it cannot be denied that in view of all this the commercial interest in Calcutta is not one to be disregarded. Further, I would remark that total value of imports into Calcutta amounts to no less than 38 crores per annum and our exports to 51 crores, so that the commercial class has surely a great and reasonable claim upon Government to have its representations considered, and also to have a reasonable share in the management of municipal matters in this great City.

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"It has been urged in some of the Anglo-Vernacular papers that the present constitution of the Municipality is a complete popular representation, that enormously good work has been done in the past, multifarious improvements have taken place in the City by the construction of new roads, the opening of congested areas and bustee reclamations; and one particular journal goes on to say: 'the Commissioners are elected representatives of the people, who do their work from a sense of pure public spirit. But the head of the Government is not on their side, nor are the members of the Anglo-Indian community. And do you know what are the Commissioners for? It is to keep the Europeans in comfort and luxury at the cost of the general body of rate-payers. They, the Europeans, must have more water, more gas, wider and cleaner streets and better conservancy, all at the cost of the Indian tax-payer. In short, the Commissioners exist not to do duty to their constituents, but to pander to the convenience of the European community.' Now, Sir, if an educated journalist can write in this unfair and absurd manner of matters which vitally affect the city and the country at large, is it possible for us to convince him or his friends of the necessity for absolutely perfect sanitation and for improvements which no human being of ordinary intelligence can deny are sadly and urgently needed? It must be known that the supply of pure and filtered water is an enormous benefit to the people at large. It must be admitted that wider and cleaner streets and better conservancy must improve the health of the very humblest of the citizens of Calcutta. Europeans as a rule can get away from the dangers of insanitary Calcutta, but the poor people are obliged to remain and to suffer in silence from I will not say the incapacity but the indifference of their fellow-citizens, who comprise the majority of the Municipal Commissioners.

"Now I quite admit that some good work has been done in the past few years, although on some occasions it has taken years instead of months to work out matters of vital importance. I understand the drainage works which were commenced some two years ago were for seven years under consideration. Now I will undertake to say that had this matter been in the hands of a compact body of picked men, such as I hope and expect the new Standing Committee will be, this matter of drainage, a matter of supreme importance, would have been decided upon and completed in as many months as it took years under the present system. As regards the shortcomings of the Municipality, I am bound to say that

[*Mr. Turner.*]

I do not think they fully appreciate the intense necessity for sanitary improvement. I do not blame the Municipal Commissioners entirely for the result, rightly described as the appalling disclosures of the Medical Board enquiries in 1896. The Executive seem to have been partially responsible, but it must be remembered that the Executive were trained to consider each Commissioner as his master, and how can any man serve 75 masters? Then, too, it has been most unfortunate that in the past three years we have had as many Chairmen of the Municipality. Constant changes of heads of a department are disastrous, and I am strongly in favour of having the appointment of Chairman made a permanent one. This will mean either that the salary of the post must be made sufficiently high to retain the services of a Civilian with brilliant prospects before him, or Government must go outside the Civil Service for their selection. This is a matter which I would ask Government to seriously consider. But apart from this consideration, it must be allowed that at times the Municipal Commissioners have proved seriously obstructive and have opposed various improvements for reasons which are inexplicable. I would refer, for instance, to the Harrison Road scheme, which has opened up one of the most congested localities in Calcutta. It was in 1888 vigorously opposed by all the Hindu Commissioners with the exception of six. Eventually, the scheme was carried through by the European and Muhammadan Commissioners *plus* six Hindu representatives supporting the Chairman, and in connection with this Harrison Road improvement, I would read the following extract from the closing remarks on the debate by the Chairman, the late Sir Henry Harrison:—

'The question lay between Calcutta as a whole and the land-holders. Who should reap the profits earned from an important and costly improvement like this—private owners or the rate-payers in general? Those were the two conflicting bodies. On the one side was the whole of Calcutta which would be taxed to pay for this road: on the other side were the land-holders. What was the value of land before Calcutta became a City? Probably from Rs. 50 to Rs. 200 a bigha, and what now was the value of that land? From Rs. 10,000 to Rs. 40,000 per bigha was not at all an exaggerated estimate. The value of land was increased two hundredfold by the trade and commerce of Calcutta. And now, when the municipality was unable to make a road, except on a principle of this kind, and they would give the whole increased value of the land, and also 15 per cent. in addition, the land-holders turned round and said that private rights must for ever be respected, notwithstanding that the most important streets of the town remained hopelessly clogged. That showed their absolute failure to realize what were the rights of the City, as compared with the rights of individuals. And it was because that was the very view taken by every capitalist that

they were the very persons who failed to appreciate what was the meaning of the life of a City, that what Mr. Cotton said acquired such immense importance. Was it possible to entrust the lives and health of the people to a body of Commissioners, whoever they might be, who so little appreciated the enormous and transcendant importance of making improvements of this kind?"

"Again in 1896, when the Health Officer's proposal for increased expenditure to provide for precautions against the plague was under discussion, Maulvi Abdul Jubbar declared that 'pestilence and famine were a divine chastisement for our sins and like the Excise Revenue in Bengal are yearly on the increase and keep pace with the advancement of what you call civilization. No human agency can fight against a decree of heaven.' On the same occasion another gentleman, who, I believe, has been educated at Oxford, also opposed the proposal and said 'though there might be overcrowding among natives, and though they might live in insanitary conditions, their fathers and grandfathers had lived in the same way and under very much more insanitary conditions and had attained great age.' These quotations go to show that some at any rate of our present Municipal Commissioners entirely fail to appreciate the absolute necessity of keeping pace with modern requirements in matters sanitary or the gravity of questions brought up for their consideration.

"Now as regards the Bill itself, it has been objected that too much independent power will be given to the Executive, and that the Municipality will be too much in the hands of Government. Section 22 which empowers Government to step in and act on certain occasions, expressly stipulates that such action will be taken only if the Municipal Commissioners neglect their duties, and if the Corporation fail to comply with the orders which may be given after due enquiry has been made by a Commissioner or by a special officer deputed for the occasion. As to the question of Government interference, generally we overlook the fact that in cases of breakdowns at important crisis, the Government of India look to the Local Government and not to the Corporation. The eyes of the world in fact are fastened on the Government and not on a municipal body in case of shortcomings.

"Now in England where municipal bodies exist, I suppose in almost every town it is not an uncommon occurrence for the Local Government Board to interfere in questions where Municipal Board are unable or unwilling to carry out urgent necessary improvements. I may quote the Thames Valley

drainage works. At one time the sewage from most of the riverine towns on the banks of the Thames was discharged into the river, this was always an objectionable feature, and at length they, the Conservators of the river Thames took action and obtained an injunction against the practice. After considerable delay the Local Government Board stepped in and insisted on the river drainage works being effected, failing which the town to which I refer was to be heavily penalised. Action was ultimately taken, and the sewage disposed of by a chemical process. The Local Government Board also, I believe, goes to the length of insisting upon loans being raised to carry out necessary works, so that in taking action to put the Calcutta Municipality in order the Government of Bengal merely follow the practice adopted in England.

"Then again it has been said that this is a serious interference with Local Self-Government and the declaration of Lord Ripon in 1882. In this connection I would like to read an extract from a speech made by His Excellency the Marquis of Ripon on the 8th November, 1882, when he addressed the Municipality of Lahore. While deprecating any attempt to drive those who are to manage local institutions too hard and fast, he went on to say that:—

'Though I desire to see great patience exercised, and though I deprecate haste or undue and overeager expectations of immediate results, I, on the other hand, am firmly determined that this experiment shall not fail through the pertinacious neglect, through the sloth or through the continued incompetence of the local bodies that are about to spring up. Not to do so would be to betray the policy which we are advocating and to abandon those interests that we have most near at heart. We must, therefore, retain sufficient control over these local bodies, a control varying in different parts of the country according to the advancement of the people and the circumstances of each district. We must maintain, I say, sufficient control over those local bodies to see that they do not permanently, obstinately or slothfully neglect their duty towards their fellow-citizens and that control, Gentlemen, I, for my part am determined to maintain, and I trust that it will be applied patiently, but still firmly, by Local Governments.'

"But I contend that it is no interference with the principle of self-government at all, nor can it be described as a retrograde measure when a representation of all sections of the community is more fully and equally ensured than under the old system. The essence of Local Self-Government is, I take it, the fair representation of all classes. I cannot imagine that it was ever intended that one section of the community or one class of that section should be the predominant power and in fact control the working of the Municipality. This

is the case under the present *regime*, and it is a state of things which most decidedly justifies Government in its present legislation. I have no doubt it will be said that Europeans will take no more interest in municipal matters than of old, but I absolutely deny this. As regards the Chamber of Commerce, even though some of the leading members may have their time too fully occupied to attempt to take up municipal matters, there are many men of excellent business qualifications fully equal to the task of assisting in the administration of the municipal conduct of the City, who are, I believe, sufficiently public spirited to give up some of their time when they see that the General Committee is really a workable and businesslike body, and that time will not be wasted in fruitless discussions.

"It appears to be taken for granted that the Members of the Chamber are so indifferent to the municipal administration of the City that they tacitly consent to being represented by native members. At one time, however, when the 1889 Act came into force the Chamber was represented by European members, and for many years these gentlemen were regular attendants at the meetings of the Corporation, but each in turn withdrew in disgust after finding out that the meetings were an utter waste of time and that the native majority swamped their proposals and obstructed their reforms.

"So, too, Europeans will no longer stand for the wards in the European quarter of the town, because they find that they are of no use to their constituents against the overwhelming majority of opposition to reform.

"Once the new system has been inagurated and is in fair working order, there will be no lack of Europeans quite ready to come forward as of old to represent the various interests of the wards in which the Europeans chiefly reside.

"As regards the new laws and regulations relating to the buildings and streets of Calcutta, I have not had time to examine them in detail, but I think there can be no disputing the fact that our first requirement is enlargement of a number of the main thoroughfares, especially those leading through the native town and that these main thoroughfares should be intersected by streets running at right angles, so that the town itself, should as it were be split up into a number of squares. I would also urge for the provision of open spaces, not on behalf of the Europeans (as some

[*Mr. Turner.*]

playing over the open drains of the streets and bustees. There is no doubt that Calcutta is extending rapidly towards Alipore and Ballygunge and care should be taken that *maidans* be preserved for the use of the public. If necessary, they should be acquired by Government under the Land Acquisition Act, and so provision be made for open air space, which like the *maidan* of Calcutta, will prove the lungs of the district in which they are situated.

"On behalf of the mercantile community, I would tender to you, Sir, our grateful thanks for having grappled with the great and important question of municipal reform and the improved sanitation of Calcutta. You have done so at the risk of losing a certain amount of popularity with a section of the community, but your sense of duty and responsibility has overcome all sentimental feelings, and you have now, as you have always done, acted fearlessly and uprightly regardless of possible censure from those who disagreed with your convictions, and happy in the feeling that you are doing the greatest good for the greatest number."

The debate was adjourned to Monday, the 4th instant.

F. G. WIGLEY,

Offg. Assistant Secy. to the Govt. of Bengal,
Legislative Department.

CALCUTTA;
The 19th April, 1898.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Monday, the 4th April, 1898.

Present:

The Hon'ble SIR ALEXANDER MACKENZIE, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.
The Hon'ble W. H. GRIMLEY.
The Hon'ble H. H. RISLEY, C.I.E.
The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.
The Hon'ble J. PRATT.
The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble M. FINUCANE, C.S.I.
The Hon'ble W. B. OLDHAM, C.I.E.
The Hon'ble R. B. BUCKLEY.
The Hon'ble SAHIBZADA MAHOMED BAKHTYAR SHAH, C.I.E.
The Hon'ble M. C. TURNER.
The Hon'ble NORENDRA NATH SEN.
The Hon'ble KALI CHARAN BANERJEE.
The Hon'ble SURENDRANATH BANERJEE.
The Hon'ble JATRA MOHAN SEN.
The Hon'ble T. W. SPINK.

CALCUTTA MUNICIPAL BILL.

The debate on this Bill was resumed:—

The Hon'ble BABU SURENDRANATH BANERJEE said:—"SIR,—My first duty is to congratulate the Hon'ble Member in charge of the Bill on the lucid and exhaustive statement with which he has prefaced his introduction of the Bill. Greatly as I differ from him with regard to his views about the Bill, and strongly as I condemn the measure, I am bound to recognize the tact, judgment and ability, and above all the conciliatory attitude, which are so conspicuous throughout the speech. My hon'ble friend rests his case not so much upon the failure of the Commissioners as upon the alleged inherent weakness of the system under which they had to work. It is the

system rather than the men that he attacks. I commend this part of his speech. He has thus endeavoured, so far as it lay in his power, to clear the atmosphere and relieve the controversy of those personal elements which at one time threatened to darken the issues involved; for I can conceive no greater misfortune than that we should in approaching this grave consideration allow our minds to be perverted—our judgments to be warped—by any sentiment of personal or party bias or by any lingering recollection of a controversy which I hope and trust has now been forgotten. We should endeavour, in considering this question, to rise to the height of judicial impartiality and level-headedness, for the issues involved are of grave and far-reaching importance. If this Bill should unhappily become the law of the land, and if its principles are to be engrafted upon the system of Local Self-Government which prevails in the Mufassal, then I have no hesitation in saying—I say it with regret, but say it I must—that one of the greatest blessings which we enjoy under British Rule, and with the inauguration of which, Sir, your name is so honourably associated—the inestimable boon of Local Self-Government—will have become a thing of the past.

"Woll, Sir, if I have rightly understood the attitude of my friend—and it is an attitude which challenges the system rather than the men—then the question which we have to ask ourselves is this—what are the grounds upon which he bases his conclusions? My hon'ble friend says in substance that the municipal system of Calcutta has been tried and has been found wanting, that the conservancy arrangements have broken down, that the constitution does not ensure prompt and continuous Executive action, and that it is unequal to the strain of a grave and sudden emergency. This represents the sum and substance of his indictment against the Corporation. Great as is the authority which undoubtedly belongs to my hon'ble friend as the Head of the municipal administration of these Provinces, I think we shall be guilty of no disrespect towards him, if we ask him to produce his evidence and to place before us the materials upon which he has based his opinion and upon the strength of which he invites this Council to endorse his judgment. Sir, if we examine the matter a little closely, we shall find that my hon'ble friend has undertaken a task beset with serious difficulties. It will not be enough for him to show that in regard to the municipal administration of Calcutta there has been a failure here—a defect there—a break-down elsewhere. He must carry his evidence much further than that. He must show that the system has so

completely failed—the situation is so desperate—that no partial remedy will suffice—that there must be a radical and fundamental change—that the system must be broken up, the site cleared for the erection of a new and a totally different superstructure. Nay more—he must advance a stage yet further. My hon'ble friend must show that in the actual circumstances of Calcutta, menaced by the plague, the only remedy that is left open to us as sensible and wise men is to adopt the discredited municipal system of Bombay which was not able to keep out the plague. A more desperate position—one more entirely at variance with the dictates of reason and sound sense—it would be difficult to conceive. My friend may well feel staggered, I will not say at the temerity of the enterprise, but at the gravity of the task which he has imposed upon himself, and if he is not able to do justice to it, his great ability will not be at fault—the badness of the cause will be responsible for it.

"Well, Sir, my hon'ble friend has laid before the Council the Report of the Sanitary Inspectors appointed by the Plague Committee. I have not the smallest desire to whittle down the evidence of these distinguished experts; but I have a complaint to make—a complaint with which I am sure the Council will sympathize—as to the procedure which my hon'ble friend has thought fit to adopt. The Hon'ble Member has not done the Corporation the justice which the Corporation is entitled to receive at his hands. My friend has read out the indictment but not the explanation—the charge but not the answer of the Corporation. It is not for one moment to be supposed that the Corporation allowed judgment to go by default. At more than one meeting did the Corporation consider the Report of the Sanitary Inspectors—more than one explanation did they submit with regard to that report. Some of the allegations were admitted, others were challenged, with regard to the rest explanatory notes were submitted. I crave the indulgence of the Council to be allowed to proceed with the details of the Explanation submitted by the Corporation.

'(*a*) *Overcrowded and badly-built houses.*—The general statements made under this head are mainly correct, but it is to be noted that most of the houses and huts attended to by the Medical Board were constructed before the present rules came into force.'

"I maintain therefore that the Commissioners are not responsible for this defect. But let us proceed:—

'(*b*) *Defects of public latrines.*—These defects are fully admitted and will be remedied as soon as the *unfiltered water-supply* is increased. It is to be hoped that this will be accomplished in six to nine months.'

[*Babu Surendranath Banerjee.*]

"The unfiltered water supply has now been increased:—

'(*c*) *Defects of private latrines.*—In the opinion of the Commissioners the state of things described by the Medical Board is not common in *pucka* houses, except in those of old standing, and as regards privies in bustees they would remind Government that previous to 1884 there were practically no privies in bustees at all. As soon as the unfiltered water-supply is increased notices will be served upon the owners of houses in which there are bad privies to have them connected with the sewers. The Commissioners think it also necessary to add that in the case of some poor people the Commissioners have paid from Municipal Funds for the connection of their privies with the sewers. Paragraph 3 of the Health Officer's Note deals fully with this subject.'

"Now, Sir, there are 50,000 latrines in Calcutta. Could the Sanitary Inspectors have seen one-tenth or even one-hundredth part of these latrines? In some quarters and among a certain class of experts, I am afraid, there is too great a disposition to jump to sweeping conclusions when they happen to be in harmony with their preconceived ideas. Could the laws of induction have been more openly set at defiance by scientific men who ought above all to be scrupulously careful of them?—

'(*d*) *State of house drains and drain-pipes.*—It is fully admitted that these are in many cases choked and out of repair, but an establishment of Inspectors is kept up for the inspection of house-drainage.'

"Now I come to statements that are challenged by the Commissioners.—

'(*e*) *State of surface drains.*—The Commissioners are not prepared to admit the general statement that latrines are allowed to discharge into surface drains. Occasionally it is found that such a practice exists. With reference to paragraph 3 of the Sanitary Officer's report, they would call attention to paragraph 5 of the Health Officer's Note (a copy of which is sent herewith) on the surface drains, and to paragraph 20 of the Chief Engineer's Note sent (herewith).

'(*f*) *Neglect of road scavenging.*—As regards the sufficiency of the staff there is a considerable difference of opinion, and the whole question has attracted the careful attention of the Commissioners. As regards the question of the pollution of the subsoil, although there is no doubt that in certain places this is the cause of many most noxious smells, yet it is a matter of doubt whether in many cases it is not the sewers which are mainly responsible. As to the means suggested to minimize the evils of pollution, it will be observed from paragraph 12 of the Health Officer's Note that he is strongly opposed to the use of perchloride of mercury, and that in the face of such opposition the Commissioners have not hitherto thought it advisable to give this experiment a trial.

'(*g*) *State of compounds and courtyards.*—The Commissioners generally differ very much from the remarks of the Medical Board on this subject if they are intended to apply generally

to all localities, but they fully admit their applicability to Wards 5 and 7 (Burra Bazar and Jorabagan) as a whole, and for this reason have allotted to those wards a special establishment. Action is being persistently taken under section 318.'

"I would in this connection call attention to the remarks which the Commissioners make on this head in a subsequent communication dated the 21st April, 1897. They say:—

'With regard to the remarks in this paragraph, the Commissioners would point out that it is not apparent whence the Board got its information about the number of coolies, &c., employed, but from the Health Officer's report dated 15th March, it appears that on that day 1,588 men were on the roll, of whom 1,317 were present at work, and also 329 carts. The whole of the sum alloted has now been spent. As regards the question of the supervising staff living in or near the wards where they work, the Commissioners fully agree with the remarks of the Medical Board; but they would point out that the cost of providing quarters is very expensive.

'(*h*) *Pollution of wells.*—With regard to this, the Commissioners wish to point out that in recent years a very large number of wells has been filled up, and this filling up will be proceeded with as soon as the water of the wells has been analysed and the increased supply of unfiltered water provided. The Commissioners are of opinion that if the existing wells are filled up before this is done, that very great hardship will be suffered by many house-holders.

'(*i*) *State of cow-sheds and stables.*—Although a great deal undoubtedly remains to be done in the question of improving them, latterly there has been a most decided improvement in some instances, and it is to be believed that recent modifications in the bye-laws will lead to still further improvement.

'(*j*) *The state of hackney carriage stands.*—The Commissioners are fully aware of the bad state of these stands, and scarcity of money has alone prevented them from making many of the improvements required.'

"It is the old question of the eternal want of pence from which Administrations higher than that of the Municipality suffer even more grievously than the Municipality does:—

'(*k*) *Conditions of bustees.*—The Commissioners fully admit that there is a great deal of room for improvements in bustee, that they would call attention to the fact that a great deal has lately been done and that improvements are being steadily pushed on. More money than is required by the law to be spent on this head has been spent.'

"In ten years' time the Commissioners have spent 13 lakhs of rupees upon *bustee* improvement. When I joined the Corporation in 1876, a sum of only Rs. 10,000 was set apart for *bustee* improvement. Since then it must be

admitted there has been an enormous growth in expenditure upon this most important sanitary purpose—

'*Disposal of house-refuse.*—With reference to this the Commissioners would invite attention to paragraph 13 of the Health Officer's Note. Considerable difficulty is experienced in including native house-owners to allow the retention of the refuse food on their premises during the day, and it will be probably necessary to amend the Act on this subject.'

"Now here are statements and counter-statements—statements made by high authority and counter-statements made by authority equally high and equally entitled to weight. What are we to do in the midst of this conflict of testimony—this divergence of opinion—this war of opposing views? We are left in a dilemma, and we have a complaint to make against the Government that it has not lent us a helping hand to rescue us from this uncertain and dubious position. The natural, the normal procedure which the Government should have adopted in a case of this kind was to have appointed a Commission which would have sifted the matter, taken evidence and submitted a report. That would have been in accordance with precedent, for when in 1884 a complaint was made by some of the rate-payers of Calcutta regarding the sanitary administration of the town, a Commission was appointed with Mr. Justice Beverley as President. If such a Commission were appointed and it found in favour of the views of the Sanitary Inspectors, why, Sir, that would have silenced all criticism, removed all doubts and would have enormously strengthened the hands of the Government in any legislation which it might have thought fit to undertake. I cannot conceive any possible objection to the appointment of a Commission except on the score of delay. But, Sir, the constitution of the Calcutta Municipality has now been allowed to exist for a period of thirty-five years, extending over the lifetime of a generation, and if it were allowed to survive for a year or two longer, no great catastrophe would have happened, the world would certainly not have come to an end. Further, a Commission might have been appointed with instructions—with the mandate—to report within a definite time. The Beverley Commission to which I have referred was appointed in August, 1884; it reported in January, 1885. The Building Commission submitted its report with praiseworthy promptitude. Is a public body—I ask—like the Calcutta Corporation to be condemned unheard—a public body with a brilliant record of active and

useful service for the good of the town? Such a proceeding does not recommend itself to one's sense of justice and fair play, and will not, I am sure, be endorsed by this Council.

"In judging of the report of the Sanitary Inspectors and of its effect upon the course of legislation, the fact must not be overlooked that there is scarcely any European town, be it the richest or be it the most perfect in regard to its sanitary arrangements, to some portion or other of which these or similar remarks might not apply. Take London, the capital of the British Empire, the richest city in the world. London and Calcutta cannot of course be compared in regard to their sanitary arrangements. They cannot be mentioned in the same breath; but not many years ago, in 1883, an account appeared of the back-slums of London in a well-known book, 'The Bitter Cry of Outcaste London,' which would put to shame the most vivid description of the insanitary condition of the worst parts of Calcutta. I will, Sir, with your permission read an extract from the book:—

'We do not say the condition of their homes, for how can those places be called homes, compared with which the lair of a wild beast would be a comfortable and healthy spot?

'Few who will read these pages have any conception of what pestilential human rookeries are, where tens of thousands are crowded together amidst horrors which called to mind what we have heard of the middle passage of the slave-ship. To get into them you have to penetrate courts reeking with poisonous and malodorous gases arising from accumulations of sewage and refuse scattered in all directions and often flowing beneath your feet; courts, many of which the sun never penetrates, which are never visited by a breath of fresh air, and which rarely know the virtue of a drop of cleansing water. You have to ascend rotten staircases which threaten to give way beneath every step, and which in some places have already broken down, leaving gaps that imperil the limbs and lives of the unwary. You have to grope your way along dark and filthy passages with vermin swarming. Then if you are not driven back by the intolerable stench, you may gain admittance to the dens in which these thousands of beings, who belong as much as you to the race for whom Christ died, here live together. Have you pitied the poor creatures who sleep under railway arches, in carts or casks, or under any shelter which they can find in the open air? You will see that they are to be envied in comparison with those whose lot it is to seek refuge here.'

"Sir, in judging of the system of municipal government which it is now proposed to supersede, we must take into consideration the sanitary condition of Calcutta such as it was in 1876, when the municipal system of this City for the first time came under the control of the elected Commissioners. This

was what Dr. Payne, the Health Officer, said of the sanitary condition of Calcutta in 1876:—

'On the evidence of its mortuary record the town is surpassed in fatality by many eastern towns and by some in the west, and yet it is impossible to conceive a more perfect combination of all the evils of crowded city life in the primitive filthiness and disorder than is presented in the native portion of Calcutta. Dirt in the most intense and noxious forms that a dense population can produce covers the ground, saturates the water, infects the air and finds in the habits and incidents of the people's lives every possible facility for re-entering their bodies; while ventilation could not be more shunned in their houses than if the climate were arctic instead of tropical. If then Calcutta be not a deadly place, filth in its utmost intensity must be innocuous and sanitation a pretentious sham.'

"Going back to a point of time still earlier in the history of the municipal administration of Calcutta—to a point of time when the municipal system was entirely controlled by the Government, we have revealed to us a state of insanitation which in the words of Mr. (afterwards Sir) John Strachey, constituted a scandal to a civilized administration; and yet it is now seriously proposed to establish a form of municipal administration which makes the nearest approach to complete Government control! Let me read an extract from the report to which I have referred:—

'For many years past the sanitary condition of Calcutta has been a constant subject of complaint, and this condition has probably never been much worse than it is at the present time. The state even of the southern division of the town, which contains the fine houses of the principal European inhabitants, is often most offensive and objectionable, while with regard to the northern or native division of Calcutta, which contains some hundred thousand people, it is no figure of speech but the simple truth, to say that no language can adequately describe its abominations. In the filthiest quarters of the filthiest towns that I have seen in other parts of India or in other countries, I have never seen anything which can be for a moment compared with the filthiness of Calcutta. This is true not merely of the inferior portions of the town or of the bye-ways and places inhabited by the poor classes, but it is true of the principal thoroughfares and of the quarters filled with the houses of the richest and most influential portion of the native community. If a plain unvarnished description of the northern division of Calcutta, bordered by their horrible open drains in which all the filth of the city stagnates and putrifies, were given to the people of England, I believe that they would consider the account altogether incredible.'

"And again:—

'It is not my wish to attempt to describe in detail the condition of Calcutta. To all who are here upon the spot the facts are notorious. The state of the capital of British India, one of the greatest and wealthiest cities in the world, is a scandal and disgrace to a civilized Government.'

[*Babu Surendranath Banerjee.*]

"Such was Calcutta in 1863—such was Calcutta in 1876—such was the legacy which the Justices received from the Government and which, with the sanitary arrangements somewhat improved, they bequeathed to the elected Commissioners. And what use, let me ask, did the elected Commissioners make of this filthy bequest? Why, Sir, they turned it to splendid account. They introduced sanitary improvements which have converted a city which from a sanitary point was a scandal to a civilized administration into a city which is one of the healthiest in India, to which our countrymen flee in hundreds and thousands, driven from their malaria-stricken homes in the mufassal, as to a health-resort. The elected Commissioners completed the drainage and water-works which had been initiated by the Justices. They have taken in hand the drainage and the water-works of the suburban area—they have reclaimed *bustees*, filled up foul tanks and have opened out new roads. The net result of their sanitary works has been that the price of land has been doubled within the last few years; and this, Sir, not owing to the expansion of trade and commerce,—for the growth of trade during the last five years shows a falling off, according to the statement of the Hon'ble Mr. Allan Arthur before the Supreme Council, as compared with its growth in the five years preceding—but to the advance of sanitation and the consequent improvement in the health of the people. The position which I have ventured to assume as regards the great sanitary improvements which have been effected under the present municipal system is supported by high and competent official authority. To the testimony of these distinguished men I desire to refer. Let me quote what Mr. Cotton, now Chief Commissioner of Assam, said as a Member of the Beverley Commission:—

'I have devoted myself at considerable length to this historical retrospect in order to demonstrate once for all how utterly unfounded is the charge brought against the Corporation that the action taken by it is fitful, spasmodic and at haphazard. It is true that at one time there was a period of inaction, but the reason for that is fully explained. The policy of the Corporation is rather, as Dr. McLeod described it, one of gradual and progressive reform. The whole case is, as the Army Sanitary Commission describe it, as complete as it well could be. I do not think the true friends of Local Self-Government, who are watching with unconcealed anxiety the struggle for existence which marks the infant growth of a great principle, could find anywhere in this country more satisfactory tokens of encouragement and hope than exist in the metropolis. The small tree is here firmly planted. I am not careful to enquire whether a better practical administration of the affairs of the town might not be

was what Dr. Payne, the Health Officer, said of the sanitary condition of Calcutta in 1876:—

'On the evidence of its mortuary record the town is surpassed in fatality by many eastern towns and by some in the west, and yet it is impossible to conceive a more perfect combination of all the evils of crowded city life in the primitive filthiness and disorder than is presented in the native portion of Calcutta. Dirt in the most intense and noxious forms that a dense population can produce covers the ground, saturates the water, infects the air and finds in the habits and incidents of the people's lives every possible facility for re-entering their bodies; while ventilation could not be more shunned in their houses than if the climate were arctic instead of tropical. If then Calcutta be not a deadly place, filth in its utmost intensity must be innocuous and sanitation a pretentious sham.'

"Going back to a point of time still earlier in the history of the municipal administration of Calcutta—to a point of time when the municipal system was entirely controlled by the Government, we have revealed to us a state of insanitation which in the words of Mr. (afterwards Sir) John Strachey, constituted a scandal to a civilized administration; and yet it is now seriously proposed to establish a form of municipal administration which makes the nearest approach to complete Government control! Let me read an extract from the report to which I have referred:—

'For many years past the sanitary condition of Calcutta has been a constant subject of complaint, and this condition has probably never been much worse than it is at the present time. The state even of the southern division of the town, which contains the fine houses of the principal European inhabitants, is often most offensive and objectionable, while with regard to the northern or native division of Calcutta, which contains some hundred thousand people, it is no figure of speech but the simple truth, to say that no language can adequately describe its abominations. In the filthiest quarters of the filthiest towns that I have seen in other parts of India or in other countries, I have never seen anything which can be for a moment compared with the filthiness of Calcutta. This is true not merely of the inferior portions of the town or of the bye-ways and places inhabited by the poor classes, but it is true of the principal thoroughfares and of the quarters filled with the houses of the richest and most influential portion of the native community. If a plain unvarnished description of the northern division of Calcutta, bordered by their horrible open drains in which all the filth of the city stagnates and putrifies, were given to the people of England, I believe that they would consider the account altogether incredible.'

"And again:—

'It is not my wish to attempt to describe in detail the condition of Calcutta. To all who are here upon the spot the facts are notorious. The state of the capital of British India, one of the greatest and wealthiest cities in the world, is a scandal and disgrace to a civilized Government.'

Corporation, the Engineer and the Health Officer. The Commissioners themselves have, as a whole, displayed a care and attention to their duties which is very meritorious and has in some cases risen to the level of devotion. The year, though not actually one of straitened resources, was yet clouded by the shadow of impending pecuniary difficulties, and the policy of the Commissioners has doubtless on some occasions been guided by this circumstance, which has induced them to shrink from expenditure on objects which have strong claims upon them. In executive matters the Lieutenant-Governor perceives an occasional want of vigour, especially in the collection of rates, the enforcement of the law in regard to license fees, and the recovery of expenses from the owners of *bustees*. But these defects admit of remedy; and on suitable opportunities they will no doubt be remedied. Leaving them out of consideration, Sir Antony MacDonnell very cordially acknowledges the services the Corporation have rendered to the city, and thanks them for the careful control which they have exercised over the various departments of the muncipal administration.'

"From the testimony of high officials, let us pass on to the testimony of facts, and here is a statement which, to save the time of the Council, I will not read, but will hand over to the Reporters. It shows the out-turn of sanitary work done by the elected Municipality which it is now proposed to supersede:—

	Calcutta of 1876.	Calcutta of 1888.	
Brick sewers in miles ...	39·21	42·57	
Pipe sewers in miles ...	47·34	144·50	
Amount spent in drainage ...	Rs. 69,10,972	Rs. 96,97,724	
Average quantity of water supplied to the town ...	6,541,154 gallons per day.	16,000,000	gallons with 4,000,000 gallons for the Suburbs.
Total number of houses connected	9,675	17,580	
Amount spent in filtered water-supply	Rs. 71,56,986	1,22,86,455	including unfiltered supply.
Unfiltered supply was ...	721,675 gallons per day.	2,501,830	
Length of roads was ...	132 miles.	147	miles, besides 34½ miles of public lanes over sewer ditches.
Watering of streets ...	12,237,941 feet.	16,173,033	feet.
Gas lamps	2,718	4,488	
Oil lamps	700	303	
Tanks which remained to be filled up.	331	Tanks which were filled up 240.	

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	Calcutta of 1876.	Calcutta of 1888.
Conservancy	Rs. 1,55,100	Rs. 3 lakhs.
Bustee conservancy ...	Nil	Refuse is removed and the roads and drains swept in the interior of bustees just as well as anywhere else.
All refuse was thrown into open ditches filled with putrifying matter and a black greasy slime of several feet in depth.	.....	All the open ditches sewered, everything is swept once a day. The refuse is all removed once a day. The greasy slime of the ditches gone.
Bathing platforms ...	Nil	86
Public squares	14	19

"The foregoing synopsis shows the vast improvements the Commissioners effected up to 1888, and since the amalgamation further improvements have been effected which are enumerated below—

	Rs.
Drainage and miscellaneous	7,86,686
Suburban improvement	13,97,087
Bustee and town improvement	8,98,785
Net cost till 31st March, 1896, of Harrison Road ...	27,43,346
Water-supply extension	34,10,071
	92,38,975

"But it is said that the Corporation is unequal to the strain of a grave and sudden emergency. I dispute the proposition. There is absolutely no evidence in support of this view of the matter. Whatever evidence there is, distinctly negatives it. Well, Sir, there never was a greater crisis in the history of Calcutta than when it was feared that the plague would spread into the Capital. How did the Corporation act on that occasion? It acted with vigor and promptitude. It was on the 24th September, 1896, that it was reported in the newspapers that the bubonic plague had appeared in Bombay. The same day, there being a meeting of the Corporation, the matter was considered by the Commissioners. On the following day, the matter was again discussed by the General Committee. The Commissioners did not indulge in mere talk. That was not a season for talk or declamation, but for vigorous and decisive action. The Commissioners at once placed themselves in communication with the Government of Bengal, which at that time was staying at Darjeeling, with

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the Commissioner of Police, with the Port Trust and the Railway Authorities. The Government was asked to enforce a strict system of inspection in respect of all passengers coming from Bombay to Calcutta. Dr. Simpson, the Health Officer, was directed to visit different parts of the town daily instead of three times a week—his subordinates were to pay special attention to the cleansing of the town, for which they were authorized to entertain special establishments, and suspected cases were forthwith to be reported to the Health Officer. At my instance, a sum of three thousand rupees was placed at the disposal of the Health Officer for any preventive measures which he might think fit to take. An extra Conservancy establishment was entertained at an outlay of Rs. 5,500 a month. This establishment was eventually raised to 1,500 coolies and 329 carts. Eight Medical Inspectors were appointed and the services of a Chief Superintendent of Conservancy were entertained on a salary of one thousand rupees a month. Nor was this all. Arrangements were made for an isolation hospital, and ambulance carts were provided. The operations of the Commissioners in this respect cost them a sum of two lakhs of rupees. Sir, the late Health Officer, Dr. Simpson, was always a severe critic of the Corporation, but the measures of the Corporation elicited praise even from him. This was what he said in his Administration Report:—

'From the above account it will be seen that no pains have been spared to protect Calcutta against an outbreak of plague or to be in a state of preparedness to stamp it out, should the disease have unfortunately gained a foothold in this City.'

"But, Sir, it has been said—and I regret to have to remark that the statement appears in the letter of the Local Government addressed to the Government of India, and it has been repeated by the Hon'ble Member representing the Chamber of Commerce—that the Commissioners did all this under pressure. The Government letter says 'it was not till the 22nd January, and then under the strongest pressure from the Government and the Board, that the Commissioners sanctioned a grant of Rs. 30,000 towards a further temporary establishment for cleaning up the town.' Sir, I venture to challenge this statement. It is not in accord with the facts of the case. Instead of the Commissioners being pressed by the Government, they were pressing an indifferent Executive, strangely insensible to the exigencies of the crisis, to do their duty. This view of the matter will be amply supported by a reference to the proceedings of the Commissioners. A question was asked at the meeting of

the Commissioners on the 19th January, 1897, by my friend, Babu Nalin Behari Sircar, one of the ablest and most active among the Commissioners, whom I am glad to see here, and the answer given by the Chairman will leave no doubt on the mind of any one that the Commissioners were fully alive to the exigencies of the situation, and they did not need any pressure from the Government or from any one else. Babu Nalin Behari Sircar asked:—

'What special measures have been taken by the Corporation since October last to remove these *accumulated deposits of past years?* If no special efforts have been put forward, will the Chairman kindly explain why this has not been done? (3) Is not the Chairman aware of a Resolution passed by the General Committee and unanimously confirmed by the Commissioners in meeting, to the following effect:—"That having regard, however, to the prevalence of the disease in Bombay, and to the intimate business relations that exist between the two Cities, the Commissioners are decidedly of opinion that a thorough cleansing of the town should be effected as soon as possible by employing a special establishment, and that they are prepared to spend any reasonable amount for the purpose." (4*a*) What action has been taken by the Executive on this Resolution of the Commissioners passed so long ago as 25th October, 1896? (*b*) If nothing has been done, will the Chairman kindly explain why this Resolution of the Commissioners has not yet been given effect to, particularly when the chances of an outbreak of plague in Calcutta are not so remote now as they were in October last? (5*a*) When does the Chairman propose to bring forward before the Commissioners specific proposals for entertaining other special establishments for the speedy and prompt removal of accumulations of dirt from *all* such parts of the town as abound in them? (*b*) Will it be next week?'

"I will not take up the time of the Council by reading in full the answer that was given. I will confine my attention to the part which bears upon the point I am endeavouring to explain. Mr. Williams said:—

'Before asking the Commissioners for extra establishment beyond the Special Cleansing Staff granted in October, the Health Officer considered it desirable, in order not to put the Commissioners to unnecessary expense, to ascertain what the existing staff could do under the excellent and energetic supervision of Dr. Banks. Dr. Banks, after making himself thoroughly acquainted with the capabilities of the existing establishment and of the local insanitary condition of the City, which of course required time, came to the conclusion that the establishment was inadequate—an opinion with which the Health Officer agrees. Dr. Banks has now placed before the Chairman a carefully considered statement in which he proposes a very considerable increase on the present establishment, and amounting to an extra expenditure of over two lakhs per annum. But the discussion of these proposals is likely to take up some time.'

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"These proceedings took place on the 19th January. The Medical Board addressed the Government on the 20th, probably after having seen the proceedings of the Commissioners which appeared in the newspapers of the 20th. What the Commissioners did on the 19th January, it is very obvious, could not have been prompted by any communication which the Medical Board addressed to the Government on the following day.

"Now contrast the proceedings of the Bombay Corporation with those of the Calcutta Corporation which it is to supersede. The acting Chairman, Babu Nilamber Mookerjee, addressed a telegram to the Municipal Commissioner of Bombay making enquiries about the suspicious cases reported in the Calcutta newspapers. What was the answer that he received? Well, Sir, the Municipal Commissioner reported from Poona that there had been one or two suspicious cases Here was the plague, the deadliest and the most insidious enemy which Bombay has had to fight against in the whole course of the century, slowly making its way through the doomed City, and the Head of the Executive of the Corporation—and that Executive is to be our model—was at Poona from where he suspected one or two cases! Sir, I have no hesitation in saying that such a thing would have been impossible on the part of the Chairman of the Calcutta Municipality under the existing constitution. The supineness of the Bombay Executive in the earlier stages of the plague recently formed the subject of a motion for a vote of censure by the Commissioners, and the motion was carried in a modified form. What therefore is proposed is this—that the municipal system of Calcutta, which was tried by the stress and the strain of the plague, and which on the whole was not found wanting, is to be superseded by a municipal system which notoriously failed to meet the crisis! Well, Sir, I have always thought that experience was the guide of the practical administrator; but we are now going to discard the lessons of experience, and take a big jump into the unknown with results that are unknown. We are truly fallen upon evil times and upon evil tongues and by darkness and danger compassed round.

"But, Sir, it is stated that our municipal constitution is unequal to the requirements of modern sanitation. Where is the evidence in support of this view of the matter? Here, again, the lessons of experience raise a strong presumption in favour of the Commissioners being well qualified and of the municipal system being well-adapted to meet the sanitary requirements of a

large city like Calcutta. It is admitted that the scavenging is pretty well done; and you were good enough to say in your Palmer's Bridge speech that in the lanes and streets where municipal carts can have access, the cleaning is fairly well done. Whatever insanitation there is, is largely due to defects in the structural arrangements of the City; and for those defects neither the Commissioners nor the system under which they work is responsible. The Commissioners did not create Burra Bazar—they did not make the filthy *bustees* —they did not open out the narrow lanes. All that came as a legacy to them from the Justices and the Government. The building regulations did not come into force till 1889, and we have it on the testimony of Dr. Simpson and of the Building Commission that if these regulations had been fully given effect to, even then they would not have gone very far. Whatever building regulations you may now pass, based on the most advanced continental models, which the extensive researches of my hon'ble friend may open up to him they cannot be permitted to have any retrospective effect. The sentiment of a civilized community would rise in revolt against any retrospective legislation. Whatever laws you pass cannot affect the existing *pucka* buildings of Calcutta. It is not laws, but funds that are needed. You have to open up the congested areas of Burra Bazar and Jora Bagan. The Government ought to recognize its responsibility in the matter. Calcutta is the capital of the Province and of the Empire, and the responsibility of the Government to open up the congested parts of the Metropolis was fully recognized, so far back as 1805 by Lord Wellesley, but it has merely been a recognition in name—no practical effect has been given to it. The question of structural improvements is a financial and not a constitutional question, and it is to be solved, not by depriving the Corporation of its constitution, but by providing funds. My hon'ble friend, the Member representing the Chamber was good enough to express much sympathy with the building regulations. Will the mercantile community consent to the imposition of the Octroi? In Bombay the Octroi duties come up to about nine lakhs of rupees a year. If we had such a fund at our disposal at Calcutta, the financial difficulty, which is the difficulty in connection with this and most other problems, would have disappeared.

"But, Sir, it has been said that the constitution of the Municipality does not ensure prompt and continuous Executive action. Sir, if there has been any failure in this respect, I have no hesitation in saying that the Government is

responsible for it. The Government appoints the Chairman. Since 1890, we have had five Chairmen—in eight years we have had five Chairmen. How can you possibly expect prompt and continuous Executive action when the Head of the Executive is being constantly changed? And, Sir, the duties of the Chairman of the Corporation are of an onerous description. They are very different from the duties that ordinarily appertain to district administration. They have to be learnt, and by the time the Chairman has learnt them, a new incumbent appears on the scene to relieve him of his responsibilities! How can you possibly expect Executive vigour and efficiency under such a state of things? Did the great and distinguished men, who in the past have filled the office of Chairman, ever complain of the weakness of their position—was ever such a complaint uttered by men like Sir Henry Harrison, Mr. Beverley, Mr. Cotton or Mr. William Souttar? If Sir Henry Harrison at all thought that his position was weak as Chairman, nothing could have been easier for him than to have amended the law when he was in charge of the Bill in 1888, on the lines now suggested.

"Further, it has been observed that the Municipality has no constitution, and that it is all fluid and indefinite and that it is impossible to fix responsibility. Sir, I must be permitted to express my surprise at this statement. Why, Sir, in section 4 and in subsequent sections of the Municipal Act we have sketched out for us the outlines of a firm, clear and consistent constitution. You may not like it—you may disapprove of it. All that I can understand, but the constitution is there, set forth in clear and definite lines which any one who runs may read. Equally extraordinary is the statement that it is difficult to fix responsibility. Well, Sir, I have been connected with the Corporation for the last 22 years. I have been associated with numerous Committees of enquiry connected with various departments of the Corporation, and speaking for myself, and I may add on behalf of my colleagues, I will say this—that we have never had the smallest difficulty in fixing responsibility for the various sins of omission and commission that were discovered. Why, Sir, only the other day we had a Committee enquiring into the Warrant Department, and we had not the smallest difficulty in finding out who were to blame and who were not to blame. In this connection, I would desire to call attention to a Note issued by Sir Henry Harrison, delegating his powers to his subordinates and fixing their responsibility. For the first time under the Act of 1888, the Chairman was

empowered to delegate his powers to his subordinates—he did not possess this power under the Act of 1876 or under the still earlier Act of 1863. On the passing of the Act of 1888 Sir Henry Harrison drew out a statement assigning duties and fixing responsibility with that statesmanlike breadth and sagacity for which he was so conspicuous. I will read an extract or two from this statement:—

'The *Secretary* is empowered to sign all letters issuing on behalf of the Commissioners, or of the Chairman, and all orders, after satisfying himself that the order has been passed by an officer entrusted with due authority to pass it. He is entrusted with the seal of the Corporation and with the custody of valuable documents, contracts and records. He will expressly see that all notices of meetings are duly issued, and that the terms of the Act regarding such notices are complied with.

'The *Engineer* will exercise the powers necessary for the efficient performance of the duties of a Chief Engineer in a large City. He will directly supervise and control what are ordinarily known as the Water Works Department, the Drainage Department and the Road Superintendent's Department. He will also have under his orders the Workshop Superintendent and Workshop Establishment, the Municipal Railway Establishment and the Salt Water Lake Establishment. The maintenance and repairs of all the municipal buildings and machinery is also placed under his general supervision.

'*Drainage Inspector.*—Section 290 (inspect drains, &c., issue one hour's notice of intention to clean out drain and remedy defect).

'Of course, it does not follow that these subordinates will always exercise, *without reference to the Engineer*, the powers assigned to them; the Engineer should make them clearly understand that they should always consult him in all matters of importance as heretofore, and he will be generally responsible to the Commissioners and myself for all orders issued by his subordinates. The object of assigning power is not to limit responsibility, but to enable the subordinate's action to be legally valid. The same remark applies to the powers conferred on the Engineer.

'The *Health Officer* will, in a general way, exercise the powers necessary for the efficient performance of the duties of the Chief Executive Officer of Health in a large city. He will directly supervise and control what are ordinarily known as the Conservancy Department, the Nuisance Department, and the Bustee and Sanitary Departments. He will also have under his orders the Assistant Health Officer and his own office, the Food Inspectors, the Medical Inspectors, the Analyst to the Corporation, the Deputy Superintendent of Vaccination and his establishment, all officers and subordinates engaged in the registration of births and deaths, whether at the registration offices or at the burning-ghats and burial grounds, the Gowkhanna Superintendent and establishments, and the Superintendent of the Slaughter-house. All the markets of the town are also placed under his general supervision'

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"Now I ask could there be anything more clear and definite than this delegation of duties and the responsibility which such delegation necessarily involves, and yet it is said that it is difficult to know where the responsibility resides?

"Thus it will be seen that the grounds upon which it is sought to justify the supersession of the Calcutta Municipality will not stand the test of scrutiny. When tried in the crucible of reason and common sense, they vanish into thin air. You propose to give us the constitution of the Bombay Municipality. But the fact is overlooked that the entire system of Local Self-Government in Bombay is retrograde when compared with the system which prevails in these Provinces. You, Sir, very well remember the attitude of the Bombay Government in regard to Lord Ripon's scheme of Local Self-Government, and the remonstrance which has become historical which as Home Secretary you addressed to that Government. I will read an extract from your letter:—

'The Governor General in Council is at a loss to conceive what can have led the Government of Bombay to suppose that the Government of India had any intention either of subverting altogether the existing system in Bombay, or of conferring unlimited powers upon municipalities and local boards. In the separate communication to the Government of Bombay noted on the margin, stress is laid upon the advantages which the existence of a widely spread system of municipal and local fund boards gave to that Presidency in following out of the principles advocated by the Supreme Government. Not subversion but adaptation and expansion of existing arrangements was what the Government of India desired. Furthermore the powers which it is proposed to entrust to local boards are not in any sense unlimited, but are in fact most strictly limited.'

"In such an insalubrious atmosphere, with the weight of official opinion arrayed against it, the tender plant of Local Self-Government could not thrive, and the whole scheme is conceived upon lines far less liberal than what we find in Bengal. Here, Sir, in Bengal in most Mufassal Municipalities, two-thirds of the members are elected; in Bombay, only one-half of the members are elected. In most Mufassal Municipalities in Bengal, the Chairmen are elected; in most Mufassal Municipalities in the Bombay Presidency, the Chairmen are nominated. As in the interior, so in the Presidency town, the system suffers by comparison with that of Bengal. In 1865 the Bombay Municipality was constituted upon a basis which made the Chairman the autocrat, or as my hon'ble friend, the Member for the Corporation, said the other day—'the

despot of the situation.' The system hopelessly broke down after a short trial. It brought the Corporation to the verge of bankruptcy, and this autocratic system had to be abandoned, and the Municipal Administration was re-cast in 1872 upon more liberal lines. The Act of 1872 was amended by the present Bombay Act, and it was passed on the clear understanding, at any rate, on the part of the Indian Members of Council, that the Corporation was to exercise general control over the Executive, that it was to supervise, direct and guide the Executive. This was what the Hon'ble Mr. Telang said :—

'Mr. Pherozshah and myself are most anxious that there should not be any interference with the Executive functions of the Commissioner. We only want that it should be subject to the general control of the Municipal Corporation, and that is substantially provided for in the present Bill. I am not prepared to admit that, under the sections of the Bill as we have passed them, the Commissioner is what is called a co-ordinate authority. I do not think he is. That is not a correct description of his position under the Bill. I understand he is a subordinate in every respect except as regard the details of Executive work, in which he is untrammelled and not to be interfered with. That is his position, and that is what it ought to be.'

"The Hon'ble MR. MEHTA expressed himself very much to the same effect:—

'The greatest work that the Corporation has yet undertaken—the construction of the Tansa Water Works—was undertaken by it, not at the initiation of the Municipal Commissioner, but of one of its own members I could multiply these instances; but I think I have said enough to show that the credit of this remarkable success justly belongs, in the main, to the constitutional scheme under which the Corporation carries on the administration by the hands of its Executive Officer, constantly and continuously controlling, criticising, supervising and directing him To revert from a scheme of such promise and performance to the discredited principles of the Act of 1865 would be a blunder indeed.'

"This idea of providing the Calcutta Municipality with the constitution of the Bombay Municipality is not a new one. History has a tendency to repeat itself. Human events move in cycles. So far back as 23 years ago, Mr. Schalch from his place in this Council proposed the adoption of the Bombay Municipal Constitution. The proposal was objected to by Rai Kristo Das Pal Bahadur as a half-measure—it was vehemently opposed by Mr. Stuart Hogg, then Chairman of the Corporation; and the opposition it elicited was so strong that the proposal was not even formulated in the shape of a definite resolution.

"Sir, it is worthy of remark that the Bombay Municipal Bill, which is to furnish the model for our Municipal Constitution, was stoutly opposed at the

third reading of the Bill by Mr. Forbes Adams. Mr. Forbes Adams was afterwards knighted for his distinguished services, and was the representative of the non-official European community in the Bombay Council. This was what he said:—

'After the full discussion which has taken place during the debate on the amendments it may perhaps be thought superfluous that anything should now be said. I cannot, however, refrain from taking advantage of this opportunity to observe that much as I hope that the Bill now about to be read a third time may be found in practice to work smoothly and satisfactorily, I harbour and entertain grave misgivings. I regret that Your Excellency's Council has not seen its way to give such consistency and all-pervadingness to the great central principle of the Bill—the principle that the Corporation is the governing body—that no possiblity of question, uncertainty or clashing could hereafter arise. The idea of co-ordinate authority seems to me to be fraught with chance of friction and irritation. It is an attempt to reconcile what is irreconcilable. It possesses the elements of unsettlement and feud. I firmly believe the Bill might throughout all its sections have emphasised and accentuated its central principle without running the slightest danger of fettering or interfering unduly with the Commissioner in carrying out the details of the Executive work of the Municipality.'

"We deplore the want of interest on the part of the European community in our municipal concerns. We should rejoice if they could be persuaded to co-operate with us in our municipal work. But the Hon'ble Member in charge of the Bill completely misses the fundamental conditions of the problem. I cordially acknowledge that Calcutta owes its greatness to a considerable extent to European trade and commerce; but it is not to be forgotten that European merchants come here for a particular purpose, viz., their business; and it is no part of their business to feel an interest in the insanitary drains and *bustees* which may abound in Burra Bazar and Jora Bagan. Their business is all-engrossing, and in these days of keen competition leaves them no time for other and weighty public affairs. Our laws indeed bear traces of the efforts of the Legislature to enlist the sympathies and to secure the co-operation of the European community in the municipal work of the town. Under the Act of 1876, the southern wards of the town inhabited by Europeans had each the right of sending three Commissioners to the Corporation, while the northern wards each sent only two Commissioners. The experiment did not succeed. Under the Act of 1888, special constituencies were created for the benefit of the European community. The experiment again did not succeed; and now we are embarked upon another experiment, upon somewhat different

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lines, but in the same direction. Well, Sir, I am not a prophet. Prophecy is a dangerous art. No one ought to prophesy unless he knows; and for myself from my place in this Council, surrounded by the legislative wisdom of this Province, I have no desire to assume the prophetic function. But if our experience of the past is any guide for the future, then I have no hesitation in saying that as our experiments in this direction have not hitherto been attended with success, we cannot hope for a better result from the new one which we are about to try. My hon'ble friend, the Member representing the Chamber of Commerce, is confident of success. He is more fortunately situated than myself. To him has been vouchsafed the gift of the seer which is denied to the less-gifted children of the 19th Century. Sir, I am not singular in the opinion which I hold as to the hopelessness of the task which the Hon'ble Member in charge of the Bill has undertaken in legislating with a view to secure the co-operation of the European community in the work of the Municipality. Let me place before the Council the views of two high officials in this connection. This was what Sir Henry Harrison said from his place in the Bengal Council:—

'Again if I had any hope that the European Members would take the same interest as the native members, I should be more disposed to yield to the Hon'ble Mr. Irving's argument, but I am afraid we must put this aside as really out of the question. I believe that to some extent they have been kept away from the meetings by finding they are in a minority, but at the same time they have also found that it was impossible for them to give the same attention to the work of the Municipality as those who have ample leisure and to whom it is almost a pleasure. There are a certain number of leisured gentlemen among the native Commissioners who have often come two, three or four times a week to Committee meetings to do work which is certainly not of transcendental interest. Now is it possible to hope that we can get European gentlemen who have business to attend, to whom time is money, to attend and take part in work of this nature?'

"A higher authority than even that of Sir Henry Harrison, the then Lieutenant-Governor of Bengal, spoke in the same strain. Sir Steuart Bayley, as President of the Council, observed:—

'My own fear is just the contrary—that you will never be able to get the representatives of commerce to go out of their way to bring their knowledge and practical ability to bear on the affairs of the town. I wish it could be otherwise.'

"What do we find in Bombay under the operation of the Act which is to supersede our law and which, it is said, is calculated to ensure the co-operation of the European community in our municipal affairs? Why, Sir, the average

attendance of the Indian element is higher than the average attendance of the European Members of the Corporation. Here is a statement which I have obtained from Bombay:—

'There were 59 Corporation meetings in 1895-96. The rate of average native attendance at these meetings was 64 against 54 of Europeans.

'In 1896-97 there were 56 Corporation meetings, the rate of average native attendance was 56 against 41 of Europeans.'

"It will be seen that the attendance of Europeans was much higher for 1895-96 than for 1896-97. The difference is easily explained. Dr. Blainey, one of the most active European Members of the Corporation, resigned in 1896, and there was a perceptible falling-off in the average attendance.

"And now, Sir, with your permission, I desire to advert for a moment to the speech of the Hon'ble Member representing the Chamber of Commerce. I must deprecate the tone and the style of that speech. My hon'ble friend professed great admiration for the speech of the Hon'ble Member in charge of the Bill. Admiration is best expressed by imitation. The Hon'ble Member representing the Chamber did not, however, imitate the conciliatory attitude of the Honb'le Member in charge of the Bill. His speech, I regret to have to say, is objectionable both in matter as well as in manner. Many of the statements which he put forward as facts are not facts, and the whole drift of his speech is misleading. I am sure when my hon'ble friend has heard me, he will come to the conclusion that he has done scant justice to the Corporation, and I have no doubt he will see his way to modify his opinions. I desire to invite the attention of the Council to his statement of facts. My hon'ble friend observed in regard to the drainage scheme of the added area that a standing committee of business-men would have finished in seven months a work over which the Corporation spent seven years. Surely my friend could not possibly have known all the facts when he hazarded this prophecy. The scheme embraced an area of 15 square miles and was originally estimated to cost one crore and seventy lakhs of rupees. The Commissioners consulted Mr. Hughes and Mr. Baldwin Latham, the greatest drainage expert in the world. They carefully considered the matter with the result that they reduced the estimate from one crore and seventy lakhs to seventy-six lakhs—they saved nearly a crore of the rate-payers' money. My hon'ble friend will admit that any business-firm which after seven years' deliberation could save

a crore of rupees would be justified in congratulating itself upon the result. Seven years' deliberation terminating in the saving of a crore of rupees is deliberation fruitful of economy, of which any business-firm might well be proud. It is perfectly true that the Commissioners were censured for their delay in this matter by the Government of Sir Charles Elliott; but it is equally true that they were absolved from all blame by the Government of Sir Alexander Mackenzie.

"Let me read to you an extract from the Resolution of the Government:—

'For this reason, although the subject has been discussed in the newspapers and incidentally referred to in the Administration Reports of the Commissioners for the last five years, no continuous history of the various phases of the discussion, and no final expression of the views of the Corporation as a whole, has yet been laid before Government. Had such a record of facts and opinions been before Sir Charles Elliott, when he recorded his Resolution of the 8th November, 1895, it seems to the present Lieutenant-Governor to be doubtful whether the general condemnation of the supposed inaction of the Commissioners in respect of the drainage question, which is contained in the first paragraph of the Resolution, would not have been qualified by some reference to the intrinsic difficulty of the problem and the conflicting opinions expressed by the technical advisers of the Corporation.'

"And again:—

'In their joint report on the drainage question Messrs. Hughes and Kimber, after full consideration, and with a knowledge of the facts necessarily much more minute than Mr. Latham could have acquired during his brief visit to Calcutta, reject as based upon incomplete or erroneous data, the main feature of his scheme, and conclude that it is impossible to construct an open low-level reservoir for the discharge, by gravitation, of the combined sewage and rainfall of Calcutta. In the Lieutenant-Governor's opinion this fact, taken with the reduction or the estimate made by Mr Kimber from 170 lakhs to less than 79 lakhs, is in itself sufficient to show that, so far as the drainage question is concerned, neither the Corporation nor their Chairman can fairly be charged with unreasonable delay in arriving at a decision on an engineering problem of exceptional difficulty. Had they accepted and proceeded to carry out Mr. Baldwin Latham's scheme, with no more deliberation than was enjoined on them by irresponsible opinion in Calcutta (The Hon'ble Babu Surendra Nath Banerjee here said:—"You, Sir, referring to the Hon'ble Mr. Turner, the Member for the Chamber, have made yourself the exponent in this Council of this irresponsible opinion") they would have committed themselves to a project which would have been more than double of that now put before them, and which might not in certain essential features have fully met the circumstances of the case.'

"Then, again, my hon'ble friend referred to the reduction of Rs. 30,000 in the Health Officer's budget. If he knew all the facts in connection with this

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reduction, I am sure instead of blame he would have bestowed praise upon the Commissioners. The facts are these:—The year was a year of unusual financial depression. Mr. Lee, the Chairman, of his own motion and without any pressure from the Commissioners, asked the Heads of Departments to reduce their budgets. The Assistant Health Officer, who was then officiating for the Health Officer, cut down his budget by Rs. 56,000. In the meantime Dr. Simpson returned to his duties. He thought the reduction had been carried too far, and cut it down to Rs. 46,000. Now mark what the Commissioners did when the matter came up before them for consideration. They raised the expenditure of the Health Department and would not consent to reduce it to below Rs. 30,000. Now let me ask my hon'ble friend whether after this explanation he does not think that the Commissioners were worthy of praise rather than of blame for the part they took in this matter? Reference has been made to the reduction of Rs. 16,000 for road-scraping. It is perfectly true the Commissioners cut down this amount, but surely not on the ground of economy. They insisted upon the road-scraping being removed by their own conservancy carts. They objected to this work being done by hired carts for which Rs. 16,000 had been provided, on the ground that the work was badly done and the Corporation did not get an adequate return for the money spent. Subsequently the Commissioners granted a sum of Rs. 7,000 for road-scraping. My hon'ble friend has referred to a sum of Rs. 8,000 which had been disallowed for the conservancy arrangements of the added area. Here again the Hon'ble Member is ignorant of the facts of the case. A sum of Rs. 13,000 had been provided for the conservancy arrangements of this part of the town. In the middle of the year after the budget had been framed, a further sum of Rs 8,000 was asked. Mr. Ritchie, the Chairman, himself said that the Commissioners could not grant this extra sum. In judging of the policy of the Commissioners in connection with the Health Officer's Department, it is not surely fair to pick out an item of expenditure here and an item there, and say that the Commissioners have not done their duty. The whole expenditure on the Health Officer's Department extending over a series of years can alone give a correct view of the policy which the Commissioners have followed in this matter. I have drawn up a table of expenditure extending from 1889-90 to 1896-97; and what do we find from it? A scale of expenditure progressively increasing with the growing sanitary requirements of the town and the financial ability of the Corporation to meet them. In 1889-90, the expenditure

on the Health Officer's Department was Rs. 9,27,947; in 1890-91 it was 9,27,446. Now take the last two years of the period. In 1895-96 the expenditure was Rs. 10,19,739; in 1896-97 it was Rs. 10,96,357 or nearly 11 lakhs of rupees. Thus the expenditure has been steadily progressing with the expansion of the sanitary needs of Calcutta. One item more, and I have finished my examination of the distinct allegations my hon'ble friend has thought fit to make against the Corporation. He has referred to an item of Rs. 50 which the Commissioners disallowed, although the money had been paid by the Chairman, Mr. Ritchie, to Mr. Wilson, who was then a candidate for the Gowkhana Superintendentship. The Hon'ble Member possibly referred to this matter as an instance of financial meanness on the part of the Commissioners. Here, again, he displays only a superficial knowledge of the facts of the case. The Commissioners had no option left in the matter. Under the law they were bound to disallow the sum, and Mr. Ritchie himself admitted that the Commissioners were in the right and that he was in the wrong. This was what he said about the matter at the meeting of the Commissioners:—

'Since the Resolution was passed (by the General Committee) he had enquired what would have been done in Government service under similar circumstances—what view would the Accountant-General take of an item such as this, and Mr. Ritchie was bound to say that the answer was it would probably not have been sanctioned. He thought that in most matters he as well as the Commissioners could not do better than to follow the procedure of the Government who dealt with many similar cases, and he had therefore caused the amount to be refunded.'

"Sir, my hon'ble friend has referred to a communication of the Chamber of Commerce addressed to the Government, dated the 10th July, 1895. In that communication the Chamber complained of the increase of typhoid fever in Calcutta. On the matter being inquired into, it was found that there had been no increase of typhoid fever, and the Government in its reply to the Chamber censured the Health Officer for lending the weight of his name to the spread of a false rumour. I will read an extract from the letter of Government:—

'It is a matter of much regret that after lending the weight of his authority to the statement that typhoidal fevers are largely increasing in Calcutta, the Health Officer should have neglected to comply with the request that the grounds of that opinion might be fully set forth. Owing to this omission it is impossible, as the matter now stands, to arrive at any certain or even probable conclusion on the important question whether the increase in fever mortality which has occurred during the last three years in Calcutta is due to purely

local causes which admit of being diminished or removed, or to general causes affecting the whole surrounding country, which it would be vain to attempt to cope with. The position is a very unsatisfactory one, and illustrates the damage that may be done to sanitary progress by making vague general assertions and withholding the evidence upon which they are based.'

"One other remark I desire to make in connection with the speech of the Hon'ble Member representing the Chamber. He observed that the present Bill provided for a fair representation of all sections of the community in the Corporation. Does he regard it as a fair representation of the rate-payers that on the General Committee they should be represented by only one-third of the entire number—is it fair that those who pay the maximum of taxation should have the minimum of representation? Such an arrangement, I am sure, will not recommend itself to our sense of justice and fair play.

"Well, Sir, we have been told that under the proposed law there will be 75 Commissioners as before, and that the conditions of the franchise and of the distribution of the wards will remain unaltered. The Commissioners will vote the Budget, fix the rates and then—I was going to say—go to sleep. Their function will be like that of the gods of the Epicureans of old as described by Cicero in his *De Natura deorum*—they created the world and then went to sleep. The gist of the proposed changes may be summarized as follows:—The transfer of all authority from the representatives of the rate-payers to the official representative of the Government and to the representatives of the European mercantile community. The supreme power of the Corporation will be gone —Local Self-Government will be gone. Far better would it be to do away with this semblance of a show—this mockery of Local Self-Government—and convert the Calcutta Municipality into a Government bureau, controlled and directed by the Government.

"Let me observe that in all European countries which have any form of Municipal Government, the supreme authority is always vested in the Corporation. This is what Mr. Albert Shaw says in his well-known book:—

'Municipal Governments, elsewhere than in the United States, after having constituted a ruling body, do not erect a separate one-man power and give it the means to obstruct the ruling administrative body and to diminish its scope and responsibility. The Mayor elsewhere is an integral part of the Council. English, Scotch and Irish Municipal Government is simply government by a group of men who are to be regarded as a grand Committee of the Corporation—the Corporation consisting of the whole body of burgesses or qualified

citizens. In Glasgow it is a Committee of seventy-eight; in Edinburgh, of forty-one; in Manchester, of one hundred and four; in Birmingham, of seventy-two; in Liverpool, Leeds Sheffield and most of the large English towns, of sixty-four; in Dublin, of sixty; in Belfast, of forty; and in the other incorporated towns of the United Kingdom it varies from twelve to sixty-four, according to their size. So far as these bodies have authority to pass bye-laws at all, their authority is complete, and nobody obtrudes a veto. They appoint and remove all officials. They have entire charge of Municipal Administration, distributing the work of departmental management and supervision to Standing Committees of their own number which they organize and constitute as they please. If such a Local Government cannot be trusted, the fault is with popular institutions. It is quite certain to be as good a government as the people concerned deserve to have. The location of responsibility is perfectly definite.'

"Municipal Government in America is differently constituted. It is organized upon lines which we are very unwisely going to imitate in the Bill before us, and the municipal system in America, according to Mr. Albert Shaw, is a failure. This is what he says in his book :—

'The typical American Mayor is no part of the Council or its organization. He is elected directly by the people. He is an indepedent co-ordinate authority. He bears somewhat the same relation to the Council that the President of the United States sustains towards Congress or the Governor of a State towards the Legislature. The analogy falls short, however, in the very important practical fact that the work of Congress and the State Legislature is principally that of legislation, while the work of Municipal Councils is of necessity principally that of administration. The theoretical independence and distinct executive responsibility of the President and the Governors is extremely difficult to maintain in practice, for the line between legislative and administrative work and authority is not at all distinct. Still more difficult is it in practice to apportion duties and responsibility between an American Mayor and the Common Council in such a way as to secure real efficiency on both sides. It is not easy to see where in the nature of things, the proper functions of one authority end, and those of the other begin. In the dispersion of authority, definite responsibility too easily disappears. The embarrassments and opportunities growing out of this divided responsibility are among the principal causes of the comparative failure of City Government in the United States.'

"Here in Calcutta the authority of the Corporation has always been supreme since there has been a Corporation. This has been the constitution of the Municipality ever since 1863. Every time the constitution has come under consideration, this principle has been recognized. It was first affirmed by the Act of 1863; it was re-affirmed in 1876; it was again affirmed in 1888, and under this constitution the Municipality has introduced those vast

pendous sanitary works which have changed the face of Calcutta. If
bula rasa upon which we might inscribe what we pleased, there
been perhaps little room for complaint. But a constitution is a
n the words of Edmund Burke, the greatest political Philosopher the
seen—it is an organic growth; and let me ask my hon'ble
er in charge of the Bill, whether he regards the Bombay Muni-
natural and the most recent development of our municipal
it is a foreign body—an extraneous excrescence—sought to
our municipal system, and as such it is doomed—fore-doomed

base my objection to the Bill upon the highest considerations of
The Bill, if passed into law, would lead to the dispersion of all
esponsibility on the part of the Executive and would operate as a
pon the poorer sections of the community, whose well-being ought to
-ome concern of all Governments. Under the existing law the
Corporation is supreme. To the Corporation, the Chairman
-mittee are responsible. To whom will they be respon-
the present
-w? To none—they will be responsible only to their own
cases.
ne monitor within; and, Sir, power vested in the best
-st us is liable to be abused when adequate provision is not
me a sense of responsibility. There will, under the new
te authorities, forming part and parcel of the same system,
appointed spheres, without any central or controlling
aterial universe could not endure under such a system.
hinates the world of man's actions. The Bill, as I have
fic source of oppression practised upon the poor. The
perform all his vast and varied functions. He will
es to his subordinates in an endless chain. The Exe-
he municipal underlings, and we know who and
ust as unpopular as the police, and their purity is on
But they are far more meddlesome and mischiev-
the daily lives and habits of the people afford them
black-mailing. Now a remedy is provided by the
-iction of the Corporation which may be invoked
hen this power is taken away from the Corpora-
he virtual masters of the situation—the lords

[*Babu Surendranath Banerjee.*]

of all they survey—their right none to dispute,—and the lot of the poor hard as it is in Calcutta, will become harder still.

"Sir, I desire to say one word with regard to the constitution powers of the General Committee. Under the present law the Gen mittee consists of 18 members elected by the Corporation and is to the Corporation. Under the proposed law the General Com consist of 12 members, of whom only four will be elected by the The General Committee will be entrusted with the details of a in a variety of important matters. The Corporation will have funds. The Corporation having under the new system no part in work of administration and therefore unfamiliar with the require administration, may vote inadequate finds, and then the Governme *deus ex machina* of the old dramas, will descend on the scene to av Here we have an *imperium in imperio* with a vengeance, with all the of that system, accentuated in their gravest form. Let us hear w paper which you, Sir, very rightly described from your pl Council as being distinguished for sobriety and *Spectator*—says with regard to this aspect of the Bill:—

'The division is a queer one, involving a logical fallacy, for residents? Our Standing Committee is elected by the Corporation, is no friction. The General Committee, as sketched out in the Mackenzie, quoted above, would be, as it seems at first sight, a *imperio*, and the work of dividing the responsibilities between the the one hand, and between them and the Chairman, on the other, If the Budget and the rate of taxation is to be fixed by the Cor purse are to be in their hands exclusively, we do not see h presentative can help becoming often a stumbling block in the

"Sir, it has been said with regard to the Comm that they hamper work and cause delay. The s an entire misconception of the situation. These and avoid a good deal of discussion which oth at meetings of the Commissioners. 'In 19 cas Harrison from his place in this Council, 'the accepted without any discussion. Nor do these when the Chairman is in agreement with them, for then his proposals may at once be given effe

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[*Babu Surendranath Banerjee.*]

on still of the question which this Council cannot overlook and which am the see our Honour will not ov look when we bear in mind the eloquent ords capaci you addressed as H ecretary to the various Local Govern- ents, impressing upon them e importance of fostering the beginnings of cal Self-Government, as an instrument of popular and political education. cipal Committees familiarise the Commissioners with the work of the Cor- syst on, inspire them with a sense of responsibility and promote the ends of be cal education.

to "Lastly the Government has assumed to itself functions which do not ng to it under the present law. I thought, Sir, that decentralization was ex order of the day. But I presume it is decentralization when power is to be delegated to officials or official bodies, and it is centralization when power has to be withdrawn from popular bodies. Here is a statement which I have drawn up showing the powers and functions which the Government proposes to assume under the Bill:—

'Under the present law the Local Government can take action direct and of its own motion in 20 cases. Under the *proposed law* the Local Government can take action direct and of its own motion in 35 cases. The new powers given to the Local Government among others are:—

(1) To appoint four members to the General Committee.
(2) To fix the salary of the Chairman.
(3) To appoint the Deputy Chairman and fix his salary.
(4) To nt leave of absence to Chairman and Deputy Chairman.
(5) T missioner's disqualification by an order of the Local Govern-

H escribing qualifications of candidates for employment in the H epartment, Engineering Department, Conservancy Department, also rules providing for occasional or periodical inspection of any De of the Corporation by officers of Government.

(7) Resolu to find eral Committee appointing Sub-Committees to be forwarded to the actument.
(8) Minutes o ments of tdings of Corporation, General Committee and Sub-Com- mitte to Local Government.
(9) The Local G nt, like t nt may require the Chairman to undertake the execution of any wor rt a fied by a Secretary of the Government to be urgent for public service and for this purpose may make temporary payment from Municipal Funds.

(10) If any difference of opinion arises between the General Committee and the Corporation touching Budget allotments, the Chairman shall refer the matter to the Local Government and its decision to be final.

(11) To exempt the owner or occupier of any building or land from the payment of consolidated rate, if recommended by any two authorities.'

"Sir, I do not propose to detain you any longer. It is not for one moment to be supposed that I regard the present constitution of the Calcutta Municipality as perfect. Far from it. It is capable of improvement, but it does not lie in the directions indicated in the Bill. The Bill has been launched in the name of sanitation. Could we persuade ourselves to believe that it would promote sanitation and thus confer an unmixed benefit upon the people, what could be more natural than that we should support a measure, so wise in its scope—so beneficent in its intentions. For Calcutta is the city of our birth—it is the city of our sires—it is the city of our children—and it is to be the destined city of our children's children. We have a far more permanent and abiding interest in its sanitary well-being than any other section of the community could possibly have. We would welcome any rational scheme of sanitation which would bring to our people an accession of health and all the blessings which the possession of health implies. But we are persuaded that this Bill will not promote this great object. It is not laws but funds that are needed for the structural improvement of Calcutta. We have had of recent years too many laws. We want rest, peace, the repose of peace, freedom from the excitement consequent upon new proposals for the enactment of new laws. It is money and not a change in the constitution of the Municipality tax is required for the sanitation of Calcutta. Sir, I speak not as an amateur fiddler strings twist, but as one who has some practical familiarity with municipal work. It is not that I have spent the best part of my life-time in the service of the Corporation. I entered it when young. I have grown grey in its service. The work of the Corporation has been the pleasure and the pride of my life. I have behind me an experience of nearly 25 years. Fortified by that experience, I venture to make an earnest appeal to you, Sir, whose name is so honourably associated with the great scheme of Local Self-Government, to abandon or at any rate largely to modify a measure which has filled the rate-payers of Calcutta with alarm, which will not promote the ends of sanitation, which will depreciate the value of property, disorganize the work of the Corporation and wreck the best prospects of Local Self-Government in the capital of the Indian Empire. Sir, I might put my case

upon still higher considerations. Municipal institutions, said Mr. Gladstone, are the seedplots upon which and around which are developed that political capacity and those habits of political thought which ought to be the supreme concern of all Governments to foster and to promote. Our municipal institutions are the gift of our rulers. We owe them to their beneficence. But they have taken firm root in our hearts and our convictions, for they are in entire accord with our ancient traditions and the inherited instincts of our race, fostered by the *panchayet* system and our time-honoured village organisations. We cherish them with reverence. The love and devotion of a people cling to them. They supplement our education; for what nobler school could there be than the school of public affairs! These noble seminaries inspire the people with a sense of responsibility, exercise a moderating influence upon their minds, and enlist their sympathies on behalf of the Government. It would be most unwise, most unstatesmanlike, in these days of political unrest and excitement, to do aught which would in the least impair the utility of these institutions or shake public confidence in them. We are the friends of sanitation; but the worship of sanitation may be carried to the verge of idolatry. We agree with Sir Ashley Eden in thinking that a single case where native society is persuaded by conviction to adopt a sanitary reform is worth hundred cases where such reform is forced upon it by the pressure of external circumstances. Sir, greatly as we value sanitation, we are not prepared to sacrifice our civic freedom for its sake, especially when such a sacrifice is unnecessary and uncalled for, and when it will prove disastrous to the fortunes of our people in other, higher and nobler directions."

The Hon'ble Mr. Spink said:—"The chief among the interests to be maintained by the Municipality are those of the European community, and it assuredly never was intended that the management of the affairs of this great and growing City should pass into the hands of one section only of the community. Europeans have been reproached for not coming forward in the past to take an interest in municipal affairs and to share in the work of the Municipality. The accusation is an unjust one. The gradual falling off of the European element in the Corporation and in the General Committee can be readily explained. I need only refer you to the statistics furnished by the Hon'ble Mr. Risley to show how hopelessly Europeans have been placed in the minority by the operation of the existing laws. Even supposing they were

more numerous, men of business cannot spare time to take part in the too often fruitless debates of a large talking body. They are always ready and willing to serve on business Committees, and I need only instance such bodies as the Port Commissioners, the Chamber of Commerce and its various Committees, and the Trades Association, to show that Europeans are willing to, and do devote their time to public questions. It is impossible, as things now stand, to get a sufficient number of Europeans to join the Corporation, and to give the Executive the benefit of their experience and their counsels. The one solution for the problem presented by this unsatisfactory condition of things is, in my opinion, to be found in the principle of the Bill now under discussion. It will secure for us a representative General Committee capable of performing its various duties in a prompt and businesslike way, and who, armed with a comprehensive and well-defined Act, will be able to carry out much-needed sanitary and structural reforms, and to administer the affairs of the town on sound and modern principles. Such a Committee, I take it, would represent more truly the voice of the people than the present one, and would be more truly based on the fundamental principles of Local Self-Government. It is not correct to say that the European community get better arranged streets and so on at the cost of the native ratepayer. If the native electorate had realised, as the Europeans did long ago, the advantage of wide, clean, and not too crowded streets, they would, in season and out of season, have striven to improve the insanitary conditions which prevail at the northern end of the town, and they would have insisted on their representatives paying attention to these matters rather than to others in which public time has been wasted in the discussion of questions concerning the erection of verandahs or the appointment of petty Municipal Officers. Once more it must not be forgotten that the introduction of the elective system into this country was an experiment with an educational object. Now, Sir, under the existing law, it is the return of Hindus, not of Europeans, that is really guaranteed. Whatever may be claimed on behalf of specially-gifted individuals, a people or a race cannot claim to be educated in the difficult art of Self Government, in the brief space of some two decades. I venture to say that when regard is had to the commercial, trading and other interests implicated in the well-being of this great commercial centre, it is preposterous to put too large a measure of power into the hands of those who, it should be

recognized, are still *in statu pupilari*. This object in view cannot be called retrograde. I confidently anticipate that when once this Bill becomes law, members of the European community will no longer be unwilling to take their place on the Municipal Board. Members of the trading firms of Calcutta who had previously withdrawn their names, have already come forward for election. The position of affairs will be completely changed, and Europeans who already recognise that their commerce and trade is threatened unless great sanitary and administrative reforms are introduced, will inaugurate the reforms which are so urgently needed."

The Hon'ble SAHIBZADA MAHOMED BAKHTYAR SHAH said:—"Your Honour, It is quite needless for me to make a long speech in favour of the Bill. The Bill supports itself. I have much pleasure in adding my small measure of assistance towards such a salutary and necessary piece of legislation. I, in common with all those who have any experience of the present condition of the city and of Municipal Government and who have the welfare of the town at heart, most sincerely wish this Bill the completest success. And I wish publicly to thank our retiring Lieutenant-Governor for this Bill which will perpetuate his memory in Calcutta."

The Hon'ble BABU KALI CHARAN BANERJEE said:—"I oppose this motion and shall be as brief as I possibly can in stating my reasons for doing so. I may premise that the object of the Bill is not to introduce provisions into the existing law which might be availed of on occasions of emergency; the proposal rather is to make that the standing law which is adapted only to emergencies. The object of the Bill is ostensibly twofold. First, to provide, as it is said, a responsible Executive, and secondly, to secure larger European representation. The Hon'ble Member in charge of the Bill, in clearing the way for his proposal, referred to certain discoveries that had been made, and argued that the only remedy that could be proposed, was a radical change in the law. He would not reflect on the work either of the Commissioners or of the Executive, as he thought such a change in the law did not necessarily imply any reflection. But, he said, times had changed, and so it had become necessary to change the law. Another Hon'ble Member has proceeded on the same lines and has referred to the age as an age of progress, and has justified the Bill on the ground that it proposes to keep pace with the progress of the times. If

times have changed, the legitimate proposition to put forward in view of such change and progress would be that a further expansion of the principle of Local Self-Government was called for. The progress of the times could not by any means suggest that the principle of Local Self-Government should be, *not* extended or developed, but hampered, if not crushed altogether. For although, as I have said, the ostensible object of the Bill is to provide a responsible Executive, if we read the Bill, we cannot avoid coming to the conclusion that the object really is to provide, not a responsible, but an irresponsible Executive, unless it be an Executive with autonomous responsibility. If the object is to secure larger European representation, the provisions of the Bill force on the conclusion that the object is not the legitimate one of the protection of minorities, but the illegitimate one of the dominance of minorities. Thus in reality the Bill seeks to secure an irresponsible Executive, and a dominant minority. Both these principles I have no hesitation whatever in characterising as unsound. For, starting from the discoveries to which reference was made by the Hon'ble Member in charge of the Bill, the question has to be raised, how is the state of things so discovered to be accounted for? Is the Act really responsible for it, or something else? Reference was made, in the course of the Hon'ble Member's speech, to the desirability of harmony between the Administrative and the Executive section of the Corporation. Might it not be that the Executive, although under the law responsible to the Corporation, were not at all in a frame of mind to accept their responsibility to the Corporation? Might it not be that they fretted under a sense of their responsibility to the Corporation, and there was frequent friction between the Executive and the Corporation, resulting in the Act not working so satisfactorily as it might otherwise have. That this represents the true state of things, one may suspect from that portion in the speech of the Hon'ble Member in charge of the Bill where he drifts somewhat into the pathetic and says:—'A Government officer specially selected for this difficult and important post is placed in a wholly false position by the present law which makes him dependent on the good-will of the Commissioners for an addition to his pay which owing to the great cost of living in Calcutta, is in most cases no more than is required to save him from positive loss while holding the appointment of Chairman.' This passage suggests, no doubt, a feeling on the part of Government officers so situated, which they do not at all relish, namely, a sense of dependence

[*Babu Kali Charan Banerjee.*]

on the Corporation or a majority of native Commissioners. I would deprecate any provision of the law which accentuates racial differences and racial feelings. One other provision in the Bill on the same lines, is that which transfers from the main body of Commissioners to the General Committee the power of appointing the Secretary, the Engineer, the Surveyor, the Health Officer, the Collector, the Assessor, and other officers, the initial salary of whose appointments is Rs. 300 and upwards. If there has been friction in the work of the Corporation, that friction, I venture to say, has arisen from a desire to assert irresponsibility on the one hand, and a desire on the other hand to hold people to their responsibility. The Corporation have interfered with the Executive whenever the Executive have taken it upon themselves to do things which they were not entitled to do on their own motion, and with regard to which they were under the law subject to the Corporation. If that is the state of things, it will be disastrous to legalise the irresponsibility which has been the cause of the friction and has brought about a state of things which is to be deplored. It is said that the Bill defines the functions of the different municipal authorities which it brings into existence. It speaks of them as co-ordinate. Notwithstanding the statement that the Executive power is to be vested in the Chairman subject to the control of the Corporation where it is so expressly stated, the Hon'ble Member in charge of the Bill is perfectly correct in describing the authority sought to be conferred by this Bill on the Chairman as co-ordinate, because, if we go through the different sections of the Bill which the Hon'ble Member has been good enough to tabulate for us, and take up the sections in which the word 'sanction' or 'control' occurs, we find that it is only in connection with three or four points that any real control has been left in the Corporation, namely, the selection of the Bank, for example, in which Municipal Funds can be deposited, the taking of a census, the provision of new burial and burning places, and the establishment of markets, either municipal or private. These are, I believe, the only four matters in regard to which the Corporation will exercise anything like control over the action of the Chairman. Therefore, it is clear that the two authorities will really be co-ordinate, and I submit that it is an unsound principle to have two or more co-ordinate authorities of this description. Their functions are defined, it is said well, the functions of the Chairman are defined, but they are defined into a plenum. The functions of the Corporation are also defined, but they are defined into a vacuum.

[*Babu Kali Charan Banerjee.*]

"Then, there is another object for which the Bill provides, namely, a larger measure of European representation. The object, I contend is not to protect the interests of European minority, but to help the European minority to dominate. With regard to this, let us see what the Bill provides. There are to be 75 Commissioners altogether, out of whom 60 shall be elected as follows:—50 at ward elections, 4 by the Chamber of Commerce, 4 by the Trades Association, and 2 by the Port Commissioners. The remaining 15 are to be nominated by the Local Government. Then we come to the constitution of the General Committee. How is that provided for? The General Committee is to consist of 12 ordinary members and of the Chairman who shall be President of the Committee. They are to be Commissioners, and therefore, these 12 Commissioners shall be 12 out of the 75 Commissioners. They are to be elected and appointed as follows:—4 by the Commissioners elected at ward elections, that is to say, 4 out of the 50 elected Ward Commissioners. Then 2 shall be elected by the Chamber of Commerce. It is not clear whether these 2 are to be elected by the Bengal Chamber of Commerce or by the 4 Commissioners who represent the Chamber of Commerce; any way these 2 must be 2 out of the 4 elected by the Chamber, because the provision is that the 12 members on the General Committee shall be Commissioners. Thus 4 of the Commissioners elected by the Chamber will elect 2 members for the General Committee. Then, one member of the General Committee will be elected by the Trades Association; they return 4 members to the Corporation, and one of these 4 will be elected for the General Committee. One member of the General Committee will also be elected by the 2 returned by the Port Commissioners, and lastly, 4 members of the General Committee will be selected by the Local Government; that is to say, the proportion of Government nominees on the General Committee will be 4 out of 15; of the Chamber of Commerce, 2 out of 4; of the Trades Association, 1 out of 4; of the Port Commissioners, 1 out of 2; and of the Commissioners elected at ward elections, 4 out of 50. That is the constitution of the General Committee. Therefore, so far as the representatives of the elected Commissioners are concerned, there will be 4 as against 8 members. That is how the Bill provides, as I have said, not for the protection of minorities, but for the domination of minorities, and this has always been allowed to be an unsound principle. The principle of the protection of minorities is a sound principle, but in this Bill you provide for a dominant minority. It is

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complained that there is now a dominant majority, and it is proposed to go to the other extreme and have a dominant minority. Then, it is said that this has been done in order to remove the state of things in existence for a long time, in consequence of which Europeans, as a rule, refrain from taking any interest in the Municipality. With regard to this the Hon'ble Member in charge of the Bill has himself been pleased to say that the fact of Europeans standing aloof from the concerns of the Municipality is nothing new; they had kept aloof even under the old regime, and the explanation is that at that time the Executive was not hampered by the action of a number of Committees as at present, and therefore they thought their interests were quite safe in the hands of the Chairman. That is the explanation offered by the Hon'ble Member. If he himself is satisfied with that explanation, then of all men, he should be the last to expect European gentlemen to take any interest in the concerns of the Municipality when they know that they will have under this Bill an irresponsible Executive, more independent of, and unfettered by the action of Committees of the Corporation than ever. I have been asking myself whether the European community will take as a compliment all that the Hon'ble Member in charge of the Bill has so frankly said of its interest in, and criticism of, matters municipal, or be tempted to cry 'save us from our friend.' Although the Hon'ble Member who represents the Chamber of Commerce took it upon himself to say a number of things in disparagement of native Commissioners as to their ideas of sanitation, &c., the Hon'ble Member in charge of the Bill would warn us against laying much stress upon such criticisms.

"Europeans ought to have an influence on the administration of the town, not, however, by artificial provisions of law, but by really so using their influence in the Corporation as to gain the position which might well be assigned to them. The Bill would give them a predominant position, not on their own merits, but by an artificial provision of the law under which they will have that influence. The Hon'ble Member said:—'The Europeans, who ought to have a predominant influence in the affairs of the town, cannot be induced to take part in the general meetings of the Commissioners, where they consider, rightly or wrongly, the time is wasted in debate, and where they could not hope to command more than an insignificant minority.'

"The question is, why not? Why cannot they hope to command more than an insignificant minority? There have been European members of the

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Corporation who have, I believe, in their day led the Corporation, and there is no reason why European members should not again lead the Corporation by dint of their own merit, if they would divest themselves of their prejudices with regard to the conduct of meetings. There are some who rush into statements like these, that there is waste of time, that there is unlimited talking. Because other people cannot accept their *ipse dixit*, they are ready to put it down to a desire of talking, and complain of waste of time. When there is a disposition to talk, Europeans are quite as forward to talk as Hindus are. While admitting that Europeans should occupy an important position in the Corporation, I submit it should not be by means of an artificial provision of law, but on their own merits. Then the Hon'ble Member said :—'They prefer to stand aside and make themselves felt through the Chamber of Commerce, the Jute Association, the Health Society, or some other public body which now and then puts forward some very general proposal with an imperfect or no knowledge at all of the difficulties, financial and administrative, involved in the sanitation of a large Asiatic City.' There is the real difficulty in the way of Europeans sympathising with the deliberations of the Corporation. As regards the question of sanitation, I submit that the passage quoted with something like elation by the Hon'ble Member for the Chamber of Commerce, is an answer to his criticisms. He quoted my hon'ble friend to my left as having in the course of his remarks on the Annual Administration Report of the Corporation come down severely on the sanitary condition of Calcutta, thus showing that though a Native member, was not blind to the interests of the sanitation of the city. But there is such a thing as sanitation run mad, of people having before their eyes the one thing, and not being able to realise what would be best for the town, not in connection with one particular interest, but with all the interests connected with the administration of the Municipality. The Hon'ble Member in charge of the Bill said further : 'It is one of the greatest evils of the existing state of things that, among the various critics of the Corporation, those who are most interested in the questions at issue and best able to make themselves heard, should at the same time be the worst informed as to the evils that exist, and the least responsible as regards the possible remedies for them.' If European gentlemen would profit by the picture thus drawn of them by the Hon'ble Member in charge of the Bill, there might be some hope of their understanding the action of the Corporation. Such being the history of their

attitude towards municipal concerns, we have further to remember that notwithstanding the artificial provisions of the Bill, the Hon'ble Member for the Chamber of Commerce is doubtful whether the leading members of the mercantile community would come forward to take part in the work of the Municipality, although he said some competent men might be willing. With all this before it, I cannot understand why the Legislature should go out of its way to place a number of baits, so to speak, before a community which, on the admission of the Hon'ble Member in charge of the Bill, has, on the whole, shown no interest in the affairs of the Municipality. I object to the principle of the Bill as unsound. It seeks to provide an irresponsible Executive and to create a dominant minority, both of which objects should in my opinion be deprecated."

The Hon'ble BABU JATRA MOHAN SEN said:—"I desire to record my protest against this Bill. I am not familiar with the questions which form the subject of discussion before the Council, but from what I have read and heard, it appears to me that the passing of this Bill will be a blow to the principles of Local Self-Government for which, as far as I am aware, no case has been made out. It will, moreover, take away from the Commissioners of Calcutta rights which they now possess. For these reasons I am opposed to the principles of this Bill."

The Hon'ble MR. RISLEY, in reply, said:—"I have to thank my hon'ble friend, Mr. Surendranath Banerjee, for the flattering terms in which he has referred to me, however unequal I may feel myself to meet so accomplished a speaker, who has, I freely admit, the advantage of me both as regards his knowledge of the facts, and his unrivalled talent for presenting them in the most attractive form. It is a pleasure to have to deal with so courteous an opponent, and in return I desire to compliment him on his admirable speech. In summing up the debate and replying to the criticisms on the principles of the Bill, I shall endeavour to separate and classify the arguments that have been brought forward so as to deal with them more distinctly than I should if I followed the order of individual speakers. If in any matter I appear to criticise or find fault with the Commissioners, it will, I trust, be borne in mind that my remarks are directed at a system, not at individuals—at a bad law under which the counsels of the older and wiser men are liable to be over-ridden by the younger and more ardent spirits. As to the objection

that the Bill is contrary to the principles of Local Self-Government and that, therefore, it is revolutionary, re-actionary, and retrograde, that, I submit, is a large and extremely vague general proposition, and before you can come to any conclusion about it you must know what it means. I will refer to that later on. For the present I take the phrase as it stands and assume that it means that the Bill somehow or other runs counter to Lord Ripon's famous Resolution of the 18th May, 1882. [THE Hon'ble BABU SURENDRANATH BANERJEE:—"October, 1881."] Hon'ble MR. RISLEY:—"Not at all. That letter only invited opinions. It was a sort of preliminary canter. Lord Ripon's final Resolution was issued on the 18th May, 1882. Against that Resolution, properly understood and applied with the necessary limitations, I have nothing to say. One of its chief limitations, however, is that it does not apply to the Presidency towns. This is expressly stated in paragraph 4 of the Resolution which restricts its operation to the area 'outside the Presidency towns.' It is, in other words, a Resolution meant for the mufassal, and it recognises the essential differences between the mufassal and Calcutta. For our present purpose the chief differences are, first, that the population of the mufassal is fairly homogeneous, and except in the planting districts and in the mill areas round Calcutta, Europeans form a very small minority, whether you look to their numbers or to their proprietary interests. Secondly, in the mufassal, sanitation, or the absence of it, concerns only the immediate locality; it raises no international questions, and does not affect the trade of the country. Calcutta, on the other hand, is the outlet for the exports, and the distributing centre for the imports of Bengal, Assam and Northern India. I cannot mark its importance better than by stating that we are bound by international agreement, in force since 1882, to report every week our statistics of mortality to the Boards of Health at Constantinople and Alexandria. I may add that when I was staying in Constantinople some three years ago, I made the acquaintance of the chief foreign expert on the Board, and was surprised to find what keen interest was taken there in the sanitation of Calcutta, and how jealously the returns were scrutinised. That of itself shows how peculiar the position of Calcutta is, and what excellent reasons Lord Ripon had for excluding it from the scope of the Local Self-Government Resolution.

"But I will go further and meet my friends on their own ground; I will assume, for the sake of argument, that the principles of Local Self-Government

[*Mr. Risley.*]

—to stick to that indefinite phrase—are applicable to Calcutta. Does it follow even then that the Bill infringes the principle? I maintain that it does not; on the contrary the Bill affirms and extends it. Some politician once said—I forget who it was—when you see five men of whom three are sitting upon two, you can hardly say that all five are enjoying the blessings of Local Self-Government. That fairly describes the state of things that has prevailed in Calcutta for the last twenty years—three Hindus sitting on one European and one Muhammadan. That is a state of things which the Bill proposes to change, and in doing so I contend that it proceeds on the true principle of Local Self-Government—the representation of, interests—and applies it, moreover in a manner which Lord Ripon himself seems to have distinctly contemplated even in the case of the mufassal, where the problem, as I have already said, is far simpler than in Calcutta. In paragraph 14 of the Resolution of 1882 we read: 'Experience is wanting to determine the most suitable general system of election for each province, and it is desirable that a variety of plans should be tried in order to a future comparison of results. The simple vote, the cumulative vote, election by wards, election by the whole town and tract, suffrage of more or less extended qualification, election by castes or occupations—these and other methods might all be tried. New methods, unthought of in Europe, may be found suitable to India, and after a time it will probably be possible to say what forms suit best the local peculiarities and idiosyncracies of the different populations.' If that is not wide enough to cover the General Committee as proposed in the Bill, I do not know what is.

"The speeches of Hon'ble Members on the other side assumed throughout that the present system is a popular system. I should have thought the figures in Table C would have been sufficient to dispose of that fallacy. They show that the entire number of electors is only 13,000 or 2 per cent. of the population of Calcutta. The rest have no voice in the government of the town. Whatever you may call this, it is certainly not a popular government in any sense of the word. It is an oligarchy in which one section predominates—an ill-balanced oligarchy, in which the weight is all on one side. Even if we look to the Hindus alone, it appears to me—and many Hindu gentlemen have made the same complaint—that the working of the elective system is unsatisfactory. It gives undue prominence to a section of the community,—Young Bengal, New India—whatever you choose to call it, the

soi-disant democratic section of a society which, from top to bottom, is essentially undemocratic in its character and ways of thought. It is, as many patriotic Hindus have often told me, a faulty and superficial method. It leaves the elder generation and those who follow in their steps out in the cold, and Government has to bring them in by way of nomination. It selects those who rise to the surface—the men who talk and canvass and agitate—but it does not reach the silent depths of the stream. It does not give us, as a rule, either here or in the mufassal, the genuine representative Hindus, the men we really want. In point of fact, in matters of this kind, you have to choose between two principles, neither of which can be stretched to justify the present state of things. If you follow the principle of numerical majority, you ought to enlarge the franchise; if you wish to give weight to intelligence, business capacity, and pecuniary interest in the prosperity of the town, some mode of proportional representation such as is proposed in the Bill must be resorted to.

"A great deal has been made of the argument that whatever has gone wrong in the town is the fault of the Executive, that is to say, of the Chairman. This is an argument which my hon'ble friends are not entitled to use. In the first place the law vests all powers in the Commissioners; it gives them complete control, and imposes on them full responsibility. So far from attempting to shift responsibility on to the Chairman by making any reasonable distribution of duties, they have tied his hands in every way and kept hanging over him the possibility of constant interference. They might have done by resolution what the Bill is doing now; but they did not do it. They kept all power in their own hands, and they must now abide by the results. You cannot indulge in the luxury of interference in season and out of season, and retain the right of disclaiming responsibility. If people keep on poking their fingers into the works of a clock, they must expect to be taken to task if the clock goes wrong. Moreover, as regards the really grave question of the terrible state of things discovered by the Medical Board—the Commissioners expressly assumed entire responsibility. On the 1st of December, 1896, the Government asked the Medical Board to make a full and searching inquiry into the causes of the lamentable failure on the part of those responsible for the town conservancy. On the 9th of December the Medical Board addressed a very polite letter to the Commissioners, in which they asked certain questions, none of which imputed any neglect to the Commissioners. The questions were:—

(1) Are the facts correctly stated? (2) Were they reported to the Commissioners by the Health Officer, and with what results? (3) Is the law, as it stands, sufficient? (4) Is the law enforced, and if not, why not? (5) What are the duties of the Health Officer, and have they been properly carried out? To this the Commissioners replied that they respectfully declined to consent to the Medical Board being constituted judges between them and their officers. Can there be a more complete assumption of responsibility than that? In the face of that Resolution, is it possible for the Commissioners now at this distance either to dispute the facts or to deny or whittle away their responsibility for them? They were offered a full and fair inquiry by a body which, I believe, was absolutely impartial and free from prejudice and which, moreover, was on particularly friendly relations with the Commissioners, and had recently met the General Committee and discussed with them in the most amicable fashion the regulations to be framed under section 334 of the Act for the purpose of averting an outbreak of plague. My friend asks for a Commission now. He might have had a Commission then, but he would not. I am aware, of course, that there was a great division and much searching of heart among the Hindu Commissioners. One party, headed by my friend, the Hon'ble Babu Norendra Nath Sen, wished to accept the offer of the Government and the Medical Board. But they were overborne by the younger men, who, actuated by what my friend Mr. James Bryce calls 'the sensitive self-esteem of an assembly,' insisted on standing on their rights or what they thought were their rights. No doubt they have since realised the mistake that they made. They were led away by the younger men. And I have no doubt that this was what my friend Babu Kally Nath Mitter had in his mind when he suggested to me the other day at the Building Commission two reforms more radical than I should have ventured to propose myself. One of them was an age qualification for Commissioners—that no one should be elected under the age of thirty-five; and the other a property qualification for Commissioners—the payment of Rs. 200 in rates.

"Next we have what I may call the historical argument which dwells upon the state of the town some 30 or 40 years ago, before its administration was made over to the Justices, and it is suggested that the Commissioners cannot be blamed for not having entirely put in order a heritage of neglect. Well, I am not greatly concerned to defend the Government of

so many years ago; but I may observe that the standard of sanitation even in England was very different half a century ago. To say that the Government of that day was not in advance of the ideas of their day, does not justify the Commissioners in lagging behind the ideas of our day. Moreover, the position has now entirely changed. Fifty years ago Calcutta was practically isolated from the rest of the world by a long sea voyage. The danger of the town spreading infection to Europe was practically *nil*, and could be disregarded. Nor was it connected with the rest of India as it is now, a fact which doubtless explains its immunity from plague. In those days the limit of infection was the distance a man could walk with the seeds of disease in him; now it is the distance he can travel by rail at 40 miles an hour—a very different thing. The copious references which have been made to the past accomplishments of the Commissioners are really irrelevant. No one denies that much has been done and a great deal of money spent. I have every wish to do ample justice, and I admit that it is in their dealings with large issues that we see the Commissioners at their best. They passed the Harrison Road scheme, it is true, only by a narrow majority, and under extreme pressure, but they did pass it, notwithstanding their strong feelings on the subject of the right of property in ancestral houses. They agreed to the drainage scheme much against their desire for economy as such and their fear of a rise in the rates of taxation, and I am not at all disposed to go behind what was stated in the Government Resolution as to the time they took over it. But that refers only to the combined drainage scheme. It refers to the scheme embracing both the suburbs and the town. If I am not mistaken, the defects of the drainage system of Calcutta itself had been before the Commissioners for a very much longer period. The Health Officer claimed to have brought it forward as long ago as 1886, when he first came to Calcutta, and I am not aware that his statement has ever been challenged. In both cases public opinion, which can make itself felt in large issues, drove them at last to do something, the necessity for which many of them realised very imperfectly. But this is all beside the point. The large issues no one proposes to take away from them. The Bill will not withdraw from the general body of Commissioners the decision on these large issues, but it will give them an agency by which the large schemes will be prepared and digested. It will give them the initiative and driving power which they now want.

"In speaking of the action of the Commissioners and the attitude they assumed with regard to large schemes, I desire to give them full credit for

the improvements they have effected in the town. But having said this, I fear it must be added that many large schemes have hung fire, and that the progress which has been made has not been as quick as it might have been. Look at the tramways for instance; for years past the whole thing has been a hideous scandal both as regards the state of the lines, the mismanagement and the display of cruelty to animals, and if there had been in the Corporation more initiative power, further progress would have been made in dealing with the tramways than there has been. Then take the state of the Warrant Department. That question dates really from 1886 and it descends, I may say, to the present time. Ten years later, in 1896, Mr. Williams discovered that, owing to the mismanagement of the department, two lakhs a year were written off as irrecoverable. There had been an accumulation of six lakhs of irrecoverable arrears in the three years preceding, and the Vice-Chairman, who showed the greatest possible energy in the matter, went into the subject, and found that there was a most inadequate establishment. They had 19 bailiffs on salaries varying from Rs. 20 to Rs. 8 at the bottom of the list, and besides this establishment there were also unpaid bailiffs who got no salary at all, but only a small commission for what they were supposed to collect. All sorts of peculation prevailed, as might be expected. A Committee was appointed in August, 1896, to investigate the matter, and I believe orders were passed on this report only the other day. But in looking through the correspondence, I found that, as long ago as 1886, Sir Henry Harrison urged upon the Commissioners practical reforms which would have tended to bring in the municipal revenues at a very much earlier period than under the existing system, and he resented very much what he considered to be interference with the independent action of the Executive. Then there was the large scheme of the establishment of a *dhobikhana* which had been under consideration ever since Sir Henry Harrison's time. There was also the disgraceful case of the trenching-ground at Goragatcha, which continued in Alipore from 1890—1895, a system of trenching of night-soil, which was the subject of general complaint, and which caused the Commissioners and their Chairman to be prosecuted and fined Rs. 100 in a criminal proceedings. It was admitted something ought to be done, but there was no power in the Corporation to find out what should be done or to do it. Eventually, the matter was settled by making a temporary connection with the sewer in Circular Road, but there was no reason why that temporary connection

should not have been made years before. Here again the system was to blame, because there was no business-like body to bring about the solution of practical difficulties as they cropped up.

"So far as to the large issues. But how often does it happen that the Corporation have large issues to deal with? The great bulk of their work consists of minor issues—minor matters of conservancy which do not attract attention—and it is in respect of these minor matters that the interference of the Commissioners with the Executive is most striking. We have had one case referred to—the withdrawal of the grant for removing road-scrapings by hired carts. My hon'ble friend, Babu Surendranath Banerjee, says that hired carts do not work well, and therefore the Commissioners withdrew the grant. That is as much as to say that because the police are sometimes corrupt, therefore there should be no police. Then for a long time past there had been a series of proposals, which anybody can look at in the proceedings of the Commissioners' meetings, made by Dr. Simpson for the improvement of the scavenging establishment of the town, and intended to put it on a proper footing, and the way in which these proposals were dealt with was to refer them to a Committee which was appointed to consider the question of the amalgamation of the Conservancy with the Road Department under the Engineer. This Committee has been sitting since 1894, and I believe it is sitting still. This has been a great feature of the Commissioners' administration, the perpetual reference of all kinds of minor questions to Committees and Sub-Committees; the practice of appointing Committees to consider matters which might well be disposed of by the Chairman, and which, under this Bill, will be so disposed of without waste of time. To any one who will look through the proceedings of the Commissioners there is abundant evidence that Committees and Sub-Committees are too often set going at the instance of people who have an interest in stopping the progress of work. Inconvenient orders are thus set aside, for in municipal matters it is a familiar experience that when once questions are referred to a Committee, the chances are that in many instances they remain there for an indefinite period of time. The extent to which this power of appointing Committees has been misused and the way in which they have blocked work will appear from a list from which I will read extracts. The list is a very long one. [Extracts from the list were read.]

[*Babu Surendranath Banerjee; the President; Mr. Risley.*]

The Hon'ble BABU SURENDRANATH BANERJEE rose to order. He said:—"This is a new matter which is introduced by the Hon'ble Member in charge of the Bill. It is not in the nature of a reply."

The Hon'ble THE PRESIDENT said:—"It is an effective reply as to interference by Committees and preventing work being promptly and rapidly done."

The Hon'ble MR. RISLEY, continuing, referred to some further instances of interference by means of Committees. He said:—

"In this matter of their interference with the Executive on minor issues, which is one of the chief reasons for strengthening the hands of the Chairman, if any one will look at any volume of the proceedings of the Commissioners and turn to the proceedings of the Buildings Committee, he will find there an indefinite number of cases in which orders passed by the Executive to do this, that, or the other, are brought up and considered by the Committee. It has been suggested that in respect of the Building Regulations there has really been no great interference with the Executive. But I will ask permission to read what was said by certain Commissioners at an ordinary meeting held in July, 1895, on that subject, as it completely disposes of the point and renders it unnecessary to cite a number of cases and go into details. At that meeting Mr. N. N. Ghose moved 'that the Chairman be requested to prepare a Note or Memorandum on the difficulties that have arisen in the interpretation and the working of the Building Regulations as given in Act II (B.C.) of 1888, and of the bye-laws passed by the Commissioners and sanctioned by the Local Government, and on the generally unsatisfactory character of those Regulations, and that the Memorandum, when prepared, be sent up to the Local Government after it has been adopted by the Commissioners in meeting.' In his speech he said:—'From a common-sense view the laws and bye-laws seemed enough, but sometimes the ingenuity of lawyers, and sometimes the Commissioners themselves who had cases to support, had made the rules unworkable. In many cases where they were absolutely plain and unambiguous, they had been twisted so as to make them inoperative and futile. Third storeys, for instance, ought not to be allowed in streets of less width than 40 feet. * * * * *

* * * But recently the rule had been violated in a very large number of cases. To be strictly correct he should say that the rule had not

been so much violated as it had been interpreted in a loose way. If there had been special cases only, the violations would not have been so much complained of, provided they were not taken as precedents. But when third storeys were allowed on the ground that they were cook-rooms and *thakoorbarees*, or when they were sanctioned because the structure in the third storey was 20 feet from the middle of the road, then such cases formed precedents against the intention of the law. He need not multiply instances.' In the same debate Babu Norendra Nath Sen agreed with the Mover on all points, that is to say, he agreed that the regulations had been broken. Babu Surendranath Banerjee said :—' He had not been convinced that a modification of the law was necessary; he did not think they had worked the bye-laws in a manner to justify that belief. If they worked the bye-laws in the way they might be worked, he thought the bye-laws and the building sections of the Act would amply suffice for all purposes. He quite agreed with Mr. N. N. Ghose that the elaborate regulations of the London Building Act were not required here; Calcutta was not London. At present it would be sufficient if the existing rules were worked thoroughly, honestly and in a consistent spirit, without making the frequent exceptions which had been made. He thought the rules as they stood were amply sufficient for the purpose.' Then Babu Kally Nath Mitter, a very high authority on the subject, said: 'His friend, Mr. Ghose, considered that the bye-laws had not actually been violated, but that they had been loosely interpreted: on the contrary, the speaker maintained that the bye-laws had been violated in the most flagrant manner possible. All that was wanted was that they should be properly worked. Babu Priya Nath Mullick had referred to what he considered an ambiguity in the wording of the bye-laws under Chapter (*f*) of the bye-laws, but the speaker did not think it could have been made plainer, namely, that no three-storeyed house could be built in a road of less than 40 feet width. Take, for instance, the case of a building at 4, Sunker Ghose's Lane, in the Proceedings of the Buildings Committee on the 21st May, 1895, which was thus reported :—

'The Chairman submitted for consideration the question of the construction of the proposed building at No. 4, Sunker Ghose's Lane. The only objection in this case was to the third storey, the street being less than 40 feet wide. It was not a mere cook-room or a *thakoorbaree*, but a regular third storey.

'Babu Jadu Nath Sen pointed out that the third-storeyed portion of this house was 60 feet removed from the road, and at the last meeting a third storey only 30 feet removed was sanctioned.

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'The Chairman was strongly against sanctioning a third storey in a road which was only 14 feet 9 inches wide. If the Commissioners wanted to sanction a third storey in such a narrow road, they should repeal the bye-law on the subject.'

"Was there any ambiguity in that? Was that a case of loose interpretation of the 40 feet rule? It was a deliberate violation of the bye-laws in this case by allowing the construction of a third storey in a road only 14 feet 9 inches wide. The speaker, therefore, maintained that it was not a case of difficulty of interpretation, but of misplaced generosity by the Members of the Committee, and consequently there was no need of a Committee for the revision of the bye-laws. He gave another instance to illustrate his meaning. In the same Proceedings there was a motion against an order for the demolition of a cook-room on the third storey of a house at 76—1, Sickdarbágan Street. In that case:—

'The Chairman explained that in this case the Committee sanctioned the building of a two-storeyed house, waiving the objection that two feet space had not been left in front of a passage to the east. The house was not built according to the sanctioned plan, the four feet space on the back having been built upon, and a third-storey erected without sanction. He made an order on the 19th September to remove the third-storey, but notice under section 241 was not issued until the 7th of December, Babu Nalin Behari Sircar having represented that the owner was negotiating for a piece of land for a cook-room. Nothing had, however, been done. The Department had no knowledge of the Ward Commissioners' letters.

'Babu Norendra Nath Sen remarked that there was not the least doubt that in this case the Building Regulations had been violated, and a cook-room built on the third storey without sanction. It was only in special cases in Burra Bazar that cook-rooms were allowed on the third storey.

'Babu Ramtaran Banerjee observed that there had been repeated violation of the rules as regards the building of third-storeys in narrrow streets, leaving the requisite spaces and the like. In this case the service of notice was delayed in deference to the representation made by Babu Nalin Behari Sircar, and he thought any censure on the Road Department was uncalled for.

'Mr. J. Ghosal remarked, apart from the merits of this case, that every dewlling-house must have a cook-room, and in houses like this, built upon very small plots of land, the best place for a cook-room was on the roof.

'*The question that the cook-room be allowed to stand was carried by 9 votes to 2.*'

"There was in this case no ambiguity in the application of the rule; none whatever. Therefore, what was wanted was instructions from the Commissioners to their Committee to see that the bye-laws were more strictly adhered

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to. He thought that would be quite sufficient. There might, of course, be one or two bye-laws which needed some amendment to make them plain, but he thought that a general resolution of this kind would cause serious mischief. He could well understand why exception was taken to the Chairman's preparing a note on the subject, because he would be bound to point out prominently all these cases of violations of the bye-laws, which perhaps was not desirable.

"And in winding up the debate, the Chairman said 'it was a matter of complaint that though a Committee had been appointed two years ago, nothing had been done; but it was no use for a Committee to sit round a table unless the points which they were to consider were properly put before them.'

"I will now turn to some of the specific statements made by the Hon'ble Babu Surendranath Banerjee in his extremely lucid and able speech upon this Bill. He spoke, among other things, on the question of bustee procedure, and he said that during the last ten years the Commissioners had spent no less than 10 lakhs on the improvement of bustees. Now the bustee question goes back to the year 1885, when the Government of India addressed the Government of Bengal on this subject. They said that 'there can be no doubt that though the Commissioners have, since the introduction of elective institutions in 1876, done much to improve the City, there have been at the same time very serious shortcomings on which the Government has been frequently compelled to comment.' Years of valuable time were wasted in discussion before the extension of the filtered water-supply was put in hand. It was not till 1880 that a beginning was made in bustee reclamation, and the expenditure up to date has fallen far short of the minimum sum of one-half lakhs per annum, which the Government of India in its orders on the report for 1882-83 declared to be necessary. It was not until the beginning of 1883-84 that an establishment for the surface cleaning of bustees began to be organised.

"The figures for bustee improvement from 1883 to 1896 were given in paragraph 249 of the last Administration Report of the Commissioners. They are the following:—

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				Rs.
1883-84	...	...	...	28,238
1884-85	...	...	...	93,092
1885-86	...	...	...	84,628
1886-87	...	...	...	1,31,380
1887-88	...	...	...	2,05,575
1888-89	...	...	..	44,754
1889-90	...	...	...	64,018
1890-91	...	...	...	36,292
1891-92	...	...	...	1,27,762
1892-93	...	...	...	53,222
1893-94	...	...	...	29,188
1894-95	...	..	...	21,939
1895-96	...	...	...	5,601
1896-97	...	...	...	12,244
		Total	...	9,35,933

"So that in that number of years the total expenditure by the Commissioners on bustee improvement was Rs. 9,36,000 or Rs. 66,000 a year—less than half the amount laid down as a minimum by the Government of India in 1883-84. On this subject one of the Commissioners themselves, in discussing the Administration Report, said:—'In page 112 a very interesting statement was given showing the amount expended during last ten years upon bustee improvement, but he regretted to say that the amount expended last year was the lowest on record, namely, Rs. 21,939. Bustee improvement was one of the greatest necessities of the town, but it was now practically at a standstill. There were many bustees in the northern division of the town which were in the same state now that they were ten years ago, and if active measures were not taken to improve them, their condition would become worse.'

"Then my hon'ble friend read an extract from a well-known book describing the terrible state of things existing in some of the London rookeries. But what does that prove? Every body knows that London taken as a whole is one of the healthiest cities in the world. The death-rate is very low, and London, and England generally, has been continuously free from any of those epidemic diseases from which other European towns have suffered. If there was the smallest danger of a foreign port putting any sort of embargo on vessels hailing

from London, it is quite certain that popular indignation would wipe out the County Council in a week, and would insist on the Government at once appointing a dictator to carry out the necessary reforms.

"My hon'ble friend challenged the statement that the Corporation is unequal to great emergencies, and he referred to the correspondence which took place with the Medical Board on the subject of the cleansing of the town. It was stated in the course of this debate that the Commissioners had been prompt in their dealings with the Plague. I find the same statement made in a Note by a well-known Commissioner which has been sent to me—a Note which I recognise as the brief from which my hon'ble friend spoke:—'The Commissioners at once employed another highly-paid officer as Special Superintendent of Conservancy.' As this appointment is thus pointedly referred to as a test case, I may be allowed to refer to the proceedings in connection with the appointment of the Superintendent. On the 25th September, 1896, the Chairman laid before the General Committee a telegram which he had received, and the Health Officer at once asked that he might have a man of the highest capacity for the purpose of superintending the work done in the town by the Conservancy establishment. It was stated that this was not a new proposal, and that he had asked before for the appointment of such an officer, but now there was an emergency, and it was his duty to press his demand for it at once. That was the first opportunity the Commissioners had to show their readiness to meet an emergency; but although in that very debate Babu Kali Nauth Mitter said that his own conviction was that if the money was given it would be well spent in a case of this kind, and Babu Norendra Nath Sen observed that in point of Sanitation Calcutta was no better off than it had been ten years back, the Commissioners gave the Health Officer the miserable sum of Rs. 3,000 which was strongly opposed by Mr. N. N. Ghose, and they absolutely refused to give a supervising officer on which the greatest possible stress was laid by the Health Officer. On the 28th of September another meeting was held at which the Acting Chairman said:—'He had an urgent matter of a very important nature to submit for the consideration of the General Committee. This morning he visited the Burra Bazar ward and another ward in company with the Health Officer, and they found the place so filthy and dirty that the Health Officer desired him to ask the Commissioners to see the place to-morrow morning. The Health Officer asked for an establishment for six months at a total expenditure of Rs. 36,000.'

"Even then all they did was to resolve 'that the Health Officer be authorised to spend on his own responsibility the sum of Rs. 3,000 placed at his disposal on such preventive measures as he thinks necessary.' They did not give him more money, but they authorised him to spend what had been given at his own discretion. Next I come to the 2nd October, 1896. On this occasion Babu Nalin Behari Sircar, who took the greatest possible trouble in connection with this matter, said:—'He also had inspected the Burra Bazar ward with the Chairman, and he was shocked to see the utter neglect of the existing staff of the Conservancy Department. There was not a single gully-pit which was not choked and from which the water was not oozing upon the street. In privies, *gumlas* full of nightsoil were visible from the streets, and the neighbours stated they had been in that state for a length of time. He also saw a narrow passage full of nightsoil, which was said to be used as a sort of drop-privy.'

"One gentleman, who was present at that meeting, was of opinion that 'the Note of the Health Officer now before the meeting should not be considered until a satisfactory explanation was submtted as to the disgraceful state of things which had been described.' But even then the Health Officer did not get his Superintendent, and it was resolved that there was no necessity for additional Medical Inspectors. Next we come to the 5th of October (three days afterwards); and that meeting was opened by Babu Surendranath Banerjee regretting on behalf of the meeting that 'the Health Officer had not given effect to their Resolution disallowing the employment of the additional Medical Inspectors which he asked for.' Next Mr. N. N. Ghose remarked 'that whatever might be wanted in Bombay, a case for the appointment of Medical Inspectors could not arise here until cases of bubonic plague occurred in Calcutta.' We know from the sad experience of Bombay that the one thing necessary is to catch your first case of plague, and the only way to do that is to have a special establishment to catch it. At the next meeting of the General Committee on the 9th October, Sir John Lambert attended, and it was only under strong pressure put on the General Committee by him that they accepted a proposal to appoint a Chief Superintendent of Conservancy temporarily for three months. I submit that the action of that Committee between the 25th September and the 9th October cannot fairly be described as meeting a great emergency promptly, and that it fully justifies the statement which has been made that the present constitution of the Municipality is not calculated to deal promptly with great emergencies.

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"I now draw attention to the correspondence with the Medical Board. I understood my hon'ble friend to say that a certain establishment was sanctioned by the Commissioners on the 19th January, 1897, and that on the 20th January, 1897, the Medical Board wrote to the Government protesting that that establishment had not been appointed."

The Hon'ble BABU SURENDRANATH BANERJEE, intervening, said:—"The Commissioners took action independently of any pressure brought to bear upon them either by the Medical Board or by the Government. The meeting of the Commissioners took place on the 19th January, and the letter of the Medical Board is dated the 20th of January. I suggested that the Medical Board took action after seeing what the Commissioners were doing."

The Hon'ble MR. RISLEY continued:—"I now understand what my hon'ble friend said, and can correct him as to his facts. Sometime in the beginning of October or in the end of September, 1896, the Commissioners sanctioned an establishment for cleaning up Burra Bazar. That establishment was calculated to deal with one ward and one ward only. Later on, *after* the Sanitary Officers had discovered vast accumulations of filth in eight wards, it came to the notice of the Medical Board that the Commissioners did not propose to sanction any more establishment, but intended to clean up the eight wards one after the other by means of the staff sanctioned for one ward. The Medical Board considered this arrangement to be utterly inadequate, and said so in their letter of 20th January with some emphasis. On the 22nd of January, not on the 19th, as my hon'ble friend says—*after* and not *before* the letter of the Medical Board, a grant of Rs. 30,000 was made for the purpose of cleansing the towns, its administration being, however, entrusted to the inevitable Sub-Committee which, I am informed by Mr. Bright, never sat and never reported.

"Then my hon'ble friend drew a comparison between the action of the Calcutta Corporation and Bombay to the detriment of the latter, and his argument was that this was the model constitution proposed to be given to Calcutta. I do not at all admit that the Bombay administration is faulty; they got to work very promptly. They made mistakes, as all of us are likely to do, in dealing with a terrible calamity, and nobody would blame the Bombay Corporation because they spent too much money on throwing corrosive sublimate into the drains; but any one who has read Mr. Snow's narrative and the account

of the work done by my friend General Gatacre's Committee, must I think admit that the latter Committee was, to say the least of it, fortunate in being appointed just as the disease was declining. They got the credit for what would in any case have happened from natural causes. Mr. Snow carried on the work up to that period under the provisions of the ordinary law, and so far from its being admitted that the Bombay Corporation failed, the popular verdict on that side of India now is in favour of taking plague management out of the hands of the Special Committee and making it over to the Municipal Commissioner, who corresponds to the Chairman in the Bill.

"My hon'ble friend commented on the frequent change of Chairmen. That, I admit, is very much to be regretted, but like many other things, it has largely to do with the system on which work has to be done. If a man has to do every piece of work twice over, it is no great wonder if he breaks down. When ordinarily the Executive work of the City is heavy enough to task the energies of any one man if he has merely to do it, and be done with it; if he has to do it over and over again and fight constant battles with Committees, it is enough to break down any man. Nor is there any reason to suppose that a non-official Chairman would stand such a strain any better than an official Chairman.

"A reference was made to Sir Henry Harrison's Note, when the present Act came into force, distributing very elaborately, carefully and wisely the several functions which the Chairman was entitled to delegate among the various Officers of the Corporation to whom those powers were delegated. It is true that as between the Chairman and his subordinates the powers have been distributed; but not as between the Chairman and the Commissioners. The Commissioners have not even by a revocable resolution parted with any fraction of their powers of discretionary interference. One would have thought that the Commissioners would have said to their Chairman:—'We make over to you such and such powers.' That, however, was what they did not do, and that is why all the trouble has arisen. They left the whole thing indefinite. They reserved in regard to each of the sections of the Act the right of revision, of turning everything upside down; and that was what the President meant when he said that everything was fluid and indefinite; defined enough as far as the subordinates were concerned, but absolutely undefined as regards the Chairman. It is literally true that under the present

Act no one can say in what part of the Corporation the Executive reside or indeed whether there is any Executive at all. The Chairman may have power to sanction verandahs to-day; it may be withdrawn to-morrow and given back the day after. In each and every section the power lies with the Commissioners. They may withdraw it generally; they may reserve particular cases; they may upset the Chairman in one case and uphold him in a similar case. The whole thing is a series of conundrums, to which the answers vary from day to day.

"Then it was pressed both by the Hon'ble Babu Surendranath Banerjee and the Hon'ble Member of the University that under this Bill as proposed, the General Committee and the Chairman will practically be responsible to nobody. As to that I should like to ask—Is it not better in Executive matters that the Chairman and the General Committee should be responsible to nobody, than that in such matters nobody should be responsible to anybody? And what is meant by saying that the Chairman and the General Committee would be practically responsible to nobody? If it means that their orders will be final in cases when the Bill empowers them to do certain things, then I agree. Beyond that, making their orders final in no way removes responsibility. Clearly it is the other way, that it tends rather to enhance the sense of responsibility than to reduce it. Responsibility is not the same thing as indefinite liability to appeal. A man whose authority is final is far more likely to do the right thing than if he is subject to a Committee and the Committee again is subject to further authority. Can there be any method more effectual for whittling away the sense of responsibility? Either he will disregard the Committee, or he will put before the Committee that which it is likely to accept, which need not be the best thing or even the second best.

"I am not greatly concerned to defend Europeans from the charge that they will not attend to the business of the Corporation in the future, because they have not attended to it in the past; because their position under this Bill will be very different from that which they have occupied under the present Act. They could be in the past only an insignificant minority. If they had exerted themselves as much as possible and got elected in all the wards in which it was conceivable they might be elected, they would not have had any real power in the Municipality. The Hon'ble Member for the Calcutta Trades' Association has stated how Members of that Association, who formerly withdrew from

serving in the Corporation, came forward at once directly they heard that this Bill had been brought in. I believe the same thing has been experienced amongst the Members of the Chamber of Commerce. Some years ago leading Members of that body did attend meetings of the Corporation and did their work, but finding their voice ineffectual, they cried off. There is another point. There is an argument which has been used against Europeans, and I wish all the more to meet it, because I find it quoted as having been said by Sir Stuart Hogg. He said:—'Europeans in this country are, as a rule, merely birds of passage, and will often take a very partial view of measures put before them.' I am surprised that a man of Sir Stuart Hogg's authority should have lent his support to such a fallacious statement. In the midst of the floating population here, the great mercantile firms are the most stable and the most permanent element. It is true that individual members of such firms go home for a change from time to time and from time to time retire, but the firms go on. The whole object of the mercantile community, and especially of the Englishmen here, is to found firms which will last. Within the limits of the trading community you have to distinguish between two kinds of traders. You have a class of traders, mostly foreigners, who do merely an export business, and who, if anything happened to Calcutta, would shift their business elsewhere and be no worse off. But among the English firms you have what you may call fixed capitalists, who have built up a trade and invested their money in the development of the resources of the country. They have sunk millions in Calcutta and with Calcutta they must stand or fall. To speak of such firms as birds of passage, because the individual partners do not live for ever, is simply to misuse words.

"The question of making over certain appointments to the General Committee and their withdrawal from the general body of the Corporation was referred to on a former occasion, and I think it is unnecessary for me to add very much by way of reply to the remarks which I quoted from Sir Henry Harrison in my opening speech. But I shall first refer to an instance within my own personal knowledge. A native friend of mine was a candidate for a certain office, and though he was a proud man and hated it, he found it necessary to canvass. Well he went his rounds; he had Dante's experience and found it very unpleasant, but a day or so before the election he came to me with a list of positive promises giving him an absolute

majority. Next day he was easily defeated. No doubt he had got the promises. The people who gave them had not the strength of mind to refuse, so they just promised all round, with no doubt a mental reservation. It is a nice case of casuistry, and is a very good illustration of how the present system works. But is it fair to put people in such a position? Is it not better to withdraw the power? It seems too obvious to need argument, that of all methods of filling appointments, which require very careful selection, that of election by a mixed body of 75 persons was by far the most unsuitable.

"In connection with this matter there was a reference by the Hon'ble Babu Surendranath Banerjee to America. I know Mr. Shaw's book which my friend quoted. It is an excellent book in its way, but it refers to American Municipalities only incidentally and by way of comparison with English Municipalities. If my hon'ble friend wishes to know the best that has been written on Municipal Government in America, he should read Mr. Bryce's book, and in particular the chapter called 'an American view of Municipal Government' by Mr. Seth Low, the Mayor of Brooklyn City. He will be left, I believe, with little doubt that Local Self-Government was to a great extent a failure in many American Cities. But why did it fail? It failed because it was too popular, because it was too democratic. Of late years they have been retracing their steps. In America, at any rate, there is no prejudice against the elective principle, no bias in favour of autocratic or bureaucratic institutions. But what was one of the chief recommendations of the famous Commission, which sat twenty years ago to consider Municipal Government and the state of New York? They proposed 'an extension of the general control and appointing power of the Mayor, the Mayor himself being subject to removal for cause by the Governor of the State.' In Boston the Mayor and Aldermen (a body of 12) appoint the heads of all the chief departments. In St. Louis the Mayor appoints with the approval of the Council. In Brooklyn the Mayor appoints absolutely without confirmation all the Executive heads of departments; the theory being that where Executive work is to be done, it should be committed to the charge of one man. So thoroughly has this view been accepted by the most democratic community in the world, that you can read in Ford's American Citizen's Manual 'there can be no question that one of the most prolific sources of official corruption and incompetence lies in the multiplication of elective offices.' If America can go

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as far as that, surely the Bill cannot err greatly in going half way. We propose merely to transfer a certain power from a less qualified body to a more qualified one—to adapt means to the ends they are intended to serve.

"Then my hon'ble friend says the Government has taken to itself too much power. The Government is in this position, that whatever it does or does not do, it is held responsible. All Municipal Government is a delegation from the ruling power of certain of its functions for certain purposes, and the limits of that delegation are a pure matter of convenience and experience. In this Country the Government is so situated that if anything goes wrong, it is immediately held responsible, and it is, therefore, bound to reserve to itself a sufficient power of control. If the town falls into an insanitary state, the Government will be told 'Why did you let the Municipality do it?' And unless an effective Act is passed, we have no reply to that question. I see that the Hon'ble Member for the University referred to race sentiment, and deprecated the introduction of race sentiment into this question. I for one certainly did *not* introduce the question of race sentiment either directly or by suggestion, and the reference to it comes from the Hon'ble Member himself; but as it has been mentioned, I say the question is one which every now and then has to be faced; and you can no more eliminate a certain modicum of race sentiment from matters municipal than you can eliminate the factor of personal character from matters of every-day life.

"Then there was some discussion about the relations between various municipal authorities in Bombay. This can be best answered by a quotation from the Hon'ble Mr. West's speech in the debate on that Act. There was considerable discussion in the Council as to the relations of the Municipal Commissioners and the Corporation; some said they were co-ordinate authorities; others said they were not. In the Bombay Act, as in this Bill, the authorities are not co-ordinate. The Commissioner, as Mr. West explained, 'is given independent power in his own circle. He cannot in any way thwart the general policy or desires of the Corporation.' That is a reasonable position for the Chairman of the Calcutta Municipality to occupy. You give him certain things to do, and powers to do them. As to the rest, he depends for all ordinary schemes on the General Committee and for all larger schemes on the Corporation; and it should be remembered that all schemes of any

sort depend in the last resort on the power of the purse which rests in the Corporation.

"Some Hon'ble Member referred to the question of fees. I am aware that this is a vexed question on which a good deal has been said, but the Bombay experience shows that the system of paying fees to Members of the General Committee has worked very smoothly, and it has the support of commercial practice, for it is the custom in almost all public Companies to pay fees to the Directors for their attendance at Board meetings, and the experience of all business men is that the system is a satisfactory system and works well.

"Finally, there is one point of departure from the Bombay system which I wish to explain, for it is a matter of some importance. I understood the Hon'ble Member for the University to take exception to the composition of the General Committee, and he pointed out that it differs from the Bombay system. In Bombay the Corporation, which is itself only half elected, appoint, eight Members of the Standing Committee, whereas we propose that it should appoint only four. The reason for the difference is this, that Bombay differs from Calcutta in some very important particulars which tell in favour of the proposal in the Bill. In Bombay it is as a matter of common knowledge that natives of all classes are very largely concerned in commercial undertakings, and they have an infinitely larger interest in the prosperity and trade of the town than Bengalis, who as a rule hold aloof from business and do not regard the trade of Calcutta as an intimate concern of theirs. Then again, Bombay differs further in this, that the European element is very much smaller, and the European commercial element has not such a permanent interest in the City as it has here, there is not the same amount of European invested capital, and you have there the case, which is very uncommon here, of a number of native firms trading under European names. Thirdly, the Muhammadans of Bombay are a far richer and stronger body than they are here in Calcutta, and you have there also the Parsees. The result is that you may almost say that the Bombay community is homogeneous. It is of course not literally homogeneous, but the different classes are so evenly balanced that you may practically treat that community as one that is homogeneous. You do not need, therefore, to go out of your way to prevent any one section of the community being swamped by others, and it was conspicuous at a meeting of the Bombay Standing Committee which I attended last July that the proportion

between the various communities was very evenly balanced. It was distinctly a cosmopolitan assembly, which is the last thing which can be said of the General Committee here.

"This is all I have to say by way of reply. I have endeavoured to answer the criticisms of my hon'ble friends, so far as I have been able to follow them, and I have again to thank them for the courtesy which they have shown me in discussing this measure."

The Hon'ble THE PRESIDENT said:—"I shall not detain the Council at any length, as I am physically unfit to do so, but it is necessary for me to say something in winding up this debate. I think the Corporation has lost nothing at the hands of its defenders here, and I have listened with considerable interest and pleasure to the speeches which have been made during the last two days. I have admitted fully that the Corporation has done good work, and that it is not in respect of its larger schemes that it is most open to adverse criticism, though indeed I remember that even in respect of one of the big schemes, I once myself declared it in this Council years ago to be an 'arsenal of delays.' But there is no doubt that much good work has been done by the Corporation, and I recognise that there are many good men among its Members. I have been intimately acquainted with the affairs of the Municipality from the time when I first came to Calcutta in 1864 or 1865; for during many years I was myself in direct charge of the affairs of Municipalities as Secretary to the Government of Bengal in the Municipal Department. I have been intimately acquainted with all the Chairmen of the Corporation, with the exception of Mr. Harry Lee, and there was not one of those Chairmen whom I have known who have not told me at one time or other that the system on which the Corporation has been constituted is a system which it is almost impossible for any one, were he an angel from heaven, to work satisfactorily. It is perfectly true that some of them have succeeded in getting business done, but if you refer to the debates in this Council and to Sir Henry Harrison's speeches in 1888, you will not find more scathing criticism of the Corporation and the way in which its business is carried on than in those utterances. When, therefore, we came face to face with a possible appalling emergency in the shape of an approaching plague, I felt it necessary to take stock of the situation. I shall not be here, but I wish most solemnly and emphatically to utter a warning to you that you should not assume that the plague will not come to Calcutta.

[*The President.*]

I do not at all like the conditions of things at present in Upper India. Experience shows that the plague may stay with us for years. I hope to God it may not. But it may, and we are in more danger here in Calcutta from the appearance of the plague in Upper India, in the Panjab and the North-Western Provinces, than we are from its existence in Bombay, because the population of those parts of the country is far more migratory. We have already stopped one distinct case of plague coming from the Panjab into Bengal at *Chausa*, and the most stringent orders have been given that any one showing symptoms of the slightest appearance of plague should not be allowed to pass; and the Medical Officers of the Government have been told that I hold them personally responsible that not a single case should escape their vigilance. But you never know when it may come. A case may escape attention, and therefore I say that in Calcutta you must keep your eyes open and put your house in order.

"Now I have said that there are many good men in the Municipality. There are, though I am sorry to say that some of the best of them have deliberately kept themselves aloof from me during the whole time I have been here; but that does not prevent me from recognising their worth and that they have done good work. I have read through the whole of the proceedings of the Corporation for years past, cubic feet of them, the proceedings of General Meetings and of the General Committee and of Special and Sub-Committees, and I have formed my own judgment of the men who are doing good and effective work on these Committees, and it was a pleasure to me to pick out two of them and to ask them to help us in the matter of the building regulations, and I wish now to acknowledge with thanks the work they have done on the Building Commission. Their assistance has been of the utmost importance both to the Hon'ble Mr. Risley and to the Hon'ble Mr. Justice Trevelyan; and if I thought that under this Bill the City was going to be deprived of the services of men like these, I would throw the Bill into the fire. But my own belief is that it is only in this way or by some such scheme that we can give full effect to the worth of men like these. It is perfectly true, as my hon'ble friend Babu Norendra Nath Sen has told us, that we should look at the work done by the Corporation. I see it—I have admitted it; there is a fair outside and an imposing superstructure, but we all know that beneath this there is a good deal of what no Corporation or any one can feel proud of. I am not going to make an attack upon individuals or upon anybody specifically, but we all know

[*The President.*]

that there is underneath the surface, in the present system of working, things which ought not to be. We all know that there are certain classes of candidates who come forward to contest municipal elections, not out of love for the public service, but out of a regard for their own personal advantage. We all know that when it comes to the question of making appointments in the Municipality, there is canvassing, there is jobbery, there is even corruption; and I say that the work of no City can be carried on until there is some effective stop put to iniquities of that description. My theory of the Bill, the cardinal principle of the Bill, the essence of it, is that we must leave the ordinary every-day work of the City in one man's hands. That is a principle which, as the Hon'ble Mr. Risley has told us, is recognised in the more advanced Cities of America, where there is less corruption than in some of the other Cities. That is the principle recognised in Bombay, and which I now desire to see recognised here. If that is once secured, all the rest appears to be a matter of arrangement and detail. In theory under the present Act all this power is given to the Chairman, but you have not done that. You have insisted on interference by the appointment of Committees and Sub-Committees. You talk of your Chairman constantly breaking down. I say you do your best to kill them; both Mr. Williams and Mr. Bright, and others beside them have been broken down by the way in which the work has to be done and *re*-done. It is *not*, however, owing to complaints by either Mr. Williams or Mr. Bright that this Bill has taken its origin. That is an entire mistake. Mr. Bright is rather proud of the way in which he was getting on with the Commissioners; but I have seen him coming staggering into my room after a day's work quite exhausted, and when I asked him what he had been doing, he said he had been engaged sitting with a Committee for four hours at the end of his day's work. I do not want to make the Chairman absolute. I want him to have the power to do the every-day work of the Corporation, but I have carefully provided that every Member of the Corporation capable of doing good work should have the opportunity of doing so, and if the Select Committee find in going through this Bill that the actual distribution of power as its stands at present can be improved, it will be open to them to make a recommendation to that effect and to introduce emendations in the Bill for that purpose. I shall say one word about a thing which struck me yesterday very forcibly with reference to what

fell from the Hon'ble Member for the Corporation. He said something about a Member of the Calcutta Trades Association who was a Member of some Committee and who said how admirably they had got on there. Why on earth then should not the popular representatives also get on in the General Committee? Is it supposed that every question which will come before the General Committee will be a question between Natives and Europeans? Surely, even if they are popular representatives, they should not treat business questions in that way. There is no reason to suppose that there will be any predominant majority in the General Committee. Men of all classes will, I hope, unite then to do the work of the town in a businesslike way. There need not be and should not be any faction fights. I hope that the selections of men to serve on the General Committee will be such that every man who is a member of that body will show himself willing to do good work and assist in considering what is brought forward, and he will find that he will be able to work with his European colleagues and the Government nominees just as if they too had been chosen by popular representation.

"I do not think I need go into details, but I just wish to notice one point as to what has been said about the domination of minorities. Of course Hon'ble Members refer entirely to numerical minorities, the democratic notion of majorities and minorities. I have no hesitation in saying that there is no country in the world where that principle applies with less propriety than in India. We have not to count heads, but to weigh interests in deciding on the best form of City Government. The figures which the Hon'ble Mr. Risley has quoted show that, however much you may talk and write about it, the elective system in Calcutta is not a popular system. It is a system which appeals to very limited numbers, and to talk about the poor rate-payers taking an interest in this Bill because they will be oppressed under it is abject nonsense. In fact they will have much less to pay under this Bill than they have now.

"Now as regards the representation on the Committee of the trade and commerce of the town, I am happy to know that we have behind us the support of the Secretary of State. The Secretary of State, I may say, takes a very real interest in this measure, and on the very day I was leaving London I received a note by special messenger assuring me of his strong support in carrying out any measure necessary for the well-being of Calcutta, and he writes in his Despatch to the Government of India:—

[*The President.*]

'I accept the view taken by your Government and by the Lieutenant-Governor of Bengal that some change is required in the Calcutta Municipal Law with a view to strengthening the Executive; and I approve of the proposal that the bodies which represent the trade of Calcutta should have a voice on the General Committee (or Town Council) of 12 Members, which will be the Executive body of the new Municipality.'

"That he said with our detailed proposals before him. I am quite content to rest upon that, and to leave the Bill in the hands of the Council, feeling quite safe regarding its fate in the hands of my Successor.

"I want now to say one word with reference to Bombay. We are not in a position to criticise the Bombay arrangements. My information leads me to confirm what the Hon'ble Mr. Risley has said, namely, that whoever is to blame for any breakdown that may have occurred or have been thought to have occurred in those arrangements, it was not the Municipal Commissioner or the Municipal Corporation who are to blame. Quotations have been made from popular authorities in regard to the provisions of this Bill and as to the subordination of municipal authorities to one another; that was a point which was settled in Lord Reay's excellent speech in winding up the debate in his Council, but I find that the one thing Mr. Tilang (who has been quoted against us) insisted upon was the absolute necessity of one governing spirit ruling the whole of the Municipal Administration, and he preferred giving powers to the Municipal Commissioner rather than to Executive Committees. We have sought to secure the one governing spirit in the Chairman while associating with him experienced Members of the Corporation as advisers and guides.

"In respect of the Corporation itself, the Bill follows the principle laid down by Lord Reay. The Corporation is given those powers which can properly be exercised by large deliberative assemblies. The Committee is given the special control which cannot well be exercised by the larger body. The Chairman is given and must be given the power of conducting Executive operations, the every-day work of the City, without minute interference, which can only do harm and has done much harm in the past. As Lord Reay said:—'The functions of a representative assembly such as the Corporation are those of superintendence and check. Administrative work can only be done by those who are trained to it.' A clear separation of functions on these lines is the essential principle of this Bill; and I hope when the Select Committee has the Bill before them they will carefully consider the representations which may be

[*The President.*]

received from the local bodies who have been addressed on the subject of this Bill, and will see their way to carry out the cardinal principle of the Bill which will be affirmed by the vote which will be taken to-day. If they recognise that the majority is against them, I hope they will not deprive the Committee of the benefit of their experience. I hope they will help the Government to carry out its own proposals in the best way, although from their point of view they may not consider them the best. I hope they will approach the subject in Committee in a fair and reasonable and statesmanlike spirit."

The Motion that the Bill be referred to a Select Committee being put, the Council divided:—

Ayes 12.	*Noes 4.*
Hon'ble Mr. Spink.	Hon'ble Babu Jatra Mohan Sen.
Hon'ble Mr. Turner.	Hon'ble Babu Surendranath Banerjee.
Hon'ble Sahibzada. Mahomed Bakhtyar Shah.	Hon'ble Babu Kali Charan Banerjee.
Hon'ble Mr. Buckley.	Hon'ble Babu Norendra Nath Sen.
Hon'ble Mr. Oldham.	
Hon'ble Mr. Finucane.	
Hon'ble Nawab Syud Ameer Hossein.	
Hon'ble Mr. Pratt.	
Hon'ble Rai Durga Gati Banerjea Bahadur.	
Hon'ble Mr. Risley.	
Hon'ble Mr. Grimley.	
Hon'ble the President.	

So the Motion was carried.

The Council adjourned to Saturday, the 16th instant.

CALCUTTA;
The 14th May, 1898.

F. G. WIGLEY,
Offg. Assistant Secretary to the Govt. of Bengal, Legislative Department.

Reg. No. 146G—300—21-5 98.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 16th April, 1898.

Present:

The Hon'ble SIR JOHN WOODBURN, K.C.S.I., Lieutenant-Governor of Bengal, *presiding.*

The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General of Bengal.

The Hon'ble H. H. RISLEY, C.I.E.

The Hon'ble RAI DURGA GATI BANERJEA, BAHADUR, C.I.E.

The Hon'ble J. PRATT.

The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.

The Hon'ble M. FINUCANE, C.S.I.

The Hon'ble W. B. OLDHAM, C.I.E.

The Hon'ble R. B. BUCKLEY.

The Hon'ble W. H. GRIMLEY.

The Hon'ble SAHIBZADA MAHOMED BAKHTYAR SHAH, C.I.E.

The Hon'ble M. C. TURNER.

The Hon'ble NORENDRA NATH SEN.

The Hon'ble KALI CHARAN BANERJEE.

The Hon'ble SURENDRANATH BANERJEE.

The Hon'ble JATRA MOHAN SEN.

The Hon'ble T. W. SPINK.

POLLUTION OF THE RIVER HOOGHLY.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

I have the honour to call attention to a question which I asked in Council on the 7th August last, regarding the pollution of the river Hooghly by the discharge into it of the sewage of mills on both banks of the river, and specially the pollution of the river caused by the new mill at Titagarh. The Chief Secretary, the Hon'ble Mr. Bolton, said in reply to the first part of the question that the matter has not escaped attention and is still under the consideration of the Sanitary Commissioner. With regard to the second part of my question,

the Chief Secretary observed that the Sanitary Commissioner would be asked to enquire into the matter. Will the Government be pleased to state the result of the onquiries made with regard to both branches of the question ?

The Hon'ble MR. RISLEY replied :—

"Owing to the heavy demands on the medical service in Bengal, arising from the deputation of a number of officers to active military service and to plague duty, it has been impossible as yet to undertake the inquiry into the alleged pollution of the Hooghly by the drainage from mills and factories, which was referred to in the Hon'ble Mr. Bolton's reply given in Council on the 7th August, 1897. It was stated in that reply that the case of the new mill at Titagarh would be dealt with in connexion with the general question."

The Hon'ble THE PRESIDENT said :—"I may add to this reply that I have had an opportunity of hearing something about the pollution of the river at this particular point of its course, and the Hon'ble Member has my assurance that the matter will be enquired into and reported upon with the least possible delay."

PLATFORM AT SEORAPHULI (EAST INDIAN RAILWAY).

The Hon'ble BABU SURENDRANATH BANERJEE asked—

I have the honour to call attention to a question which I asked in Council on the 7th August, 1897, in which I referred to the condition of the platform at the Seoraphuli station. In reply, the Hon'ble Mr. Bolton laid on the table a letter addressed to the Government by the Agent to the East Indian Railway Company—Colonel Gardiner—in which he said that he was of opinion that Seoraphuli had a claim to a high-level platform, and that he would recommend the same to the Board for sanction. This letter is dated the 22nd April, 1897. Will the Government be pleased to state what action, if any, has been taken to raise the Seoraphuli platform, the low level of which is a source of serious inconvenience to passengers, specially Hindu ladies ; and if no action has been taken, what is the earliest date when action may be expected to be taken ?

[*Mr. Buckley; Babu Surendranath Banerjee; Mr. Risley.*]

The Hon'ble MR. BUCKLEY replied :—

"The reply received from the Agent of the East Indian Railway to the communication addressed to him by this Government shows that the work of raising the platform of the Seoraphuli station, East Indian Railway, has been started and was stopped for a day or two during the late rush of traffic to Tarkessur, but has again been re-started."

PLAGUE INSPECTOR OF DACCA.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Will the Government be pleased (1) to give the name of the gentleman who has been appointed Plague Inspector of Dacca by the Magistrate of Dacca; (2) his qualifications, medical, sanitary or engineering, if any; (3) and the pay of the post?

(*b*) Is it the case that the Magistrate has compelled the Commissioners of Dacca and, despite their protest, to dispense with the services of the Engineer-Secretary, the Chairman being told that he would be held personally responsible for his pay if the Engineer-Secretary was not at once removed? Will the Government be pleased to lay on the table the correspondence on the subject?

The Hon'ble MR. RISLEY replied :—

"The Government has no information on the matters referred to in the question except as to the name of the Plague Inspector. He is a Mr. Connan and was employed as Famine Superintendent at Muzaffarpur. The Commissioner of the Dacca Division will be asked to report the facts."

RETIRING BONUS TO MR. BUSKIN, MANAGER OF THE HATWA RAJ.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Will the Government be pleased to state whether there is any truth in the announcement made by the *Behar Herald* that Mr. Buskin, the Manager of the Hatwa Raj, who is now about to retire from the management, is to receive "a

bonus of Rs. 67,000 for long and meritorious service." If so, will the Government kindly state the nature of the meritorious services, and whether there was anything specially marked in them to call for this munificent recognition?

The Hon'ble MR. FINUCANE replied:—

"Mr. Buskin served the late Maharajah of Hatwa for 30 years as Manager, Assistant Manager, and in other capacities. He was the Maharajah's confidential friend and adviser, and highly esteemed by him. It is the custom of the Raj to give pensions to old servants on their retirement, and it is reported that the late Maharajah wished to give Mr. Buskin a liberal pension. The Maharani has since the Maharajah's death pressed on the Court of Wards the propriety of giving Mr. Buskin a pension of Rs. 600, and also of leasing him a Raj Indigo Factory on favourable terms. The Court of Wards agreed to the pension, but refused to lease the factory. Mr. Buskin has been allowed to commute the pension into a lump sum according to the rules of Government service for commutation of pensions. The value of the pension according to the rules is approximately Rs. 67,000.

"The Maharani has expressed her regret and disappointment that a more liberal reward for his services has not been given to Mr. Buskin."

BENGAL FINANCIAL STATEMENT FOR 1898-99.

The Hon'ble MR. RISLEY moved for the discussion of the Bengal Financial Statement for 1898-99.

The Hon'ble BABU SURENDRANATH BANERJEE said:—"It was impossible for the Hon'ble Member in charge of the Financial Department to present what is called a prosperity budget at a season like the present when the country is just emerging from the direful visitation of a great famine and of a great earthquake, with the prospect of the plague looming in the near future. These disasters have left their impress upon the financial situation of the country. The financial situation is always an index to the prosperity, or otherwise of the country. It is an infallible barometer of the national condition. I need only remind the Council of the weighty words of John Bright, one of England's

[*Babu Surendranath Banerjee.*]

greatest orators and statesmen. He said, "Tell me what the financial condition of a country is, and I will tell you all about the position of the Government and the prospects of the people." Judging by this standard we have no reason to congratulate ourselves on the present occasion, but I do not mean to throw any blame on the Hon'ble Member in charge of the Financial Department. I blame nobody. I cordially acknowledge the fact that the Hon'ble Member has done his best under the adverse circumstances in which he found himself placed, and that he has ably safeguarded our financial interests. The Financial Statement which is before the Council gives us the actuals for 1896-97, the revised estimates for 1897-98, and the budget estimates for 1898-99. I regard the revised estimates for 1897-98 as the most important of these. The actuals for 1896-97 may be regarded by some as ancient history, and as important only in their bearing on the revised estimates for 1897-98; and the budget estimates for 1898-99 represent merely a forecast which, no doubt, has been prepared with considerable care and forethought, but which may be upset by eventualities which the wisest may not be able to anticipate. It was estimated that the closing balance for 1897-98 would be ten lakhs of rupees; the closing balance, however, was only five lakhs. The orders of the Secretary of State are that the working balance of this Administration should be at least 20 lakhs. That order is a wise and statesmanlike order, and, having regard to the financial position of this province, namely, that we have to deal with an annual revenue and expenditure of five crores, I do not think that a working balance of 20 lakhs is at all too much. That balance has now dwindled down to five lakhs. If you refer to the [illegible] 1896-97, you will find that the working balance for that year was a[illegible] lakhs, and [illegible] been times when the balance was even higher [illegible] confronted with a situation in which, under the [illegible] State, the working balance should be 20 lakhs, [illegible] lakhs but which has now dwindled down [illegible] has given an explanation of this in the [illegible] appended to the Financial Statement. That [illegible] as it goes. It is this;—It was expected that [illegible] a sum of eight lakhs towards famine-expen- [illegible] in a position to contribute only three lakhs towards famine relief; there was, therefore, a deficit of five lakhs, and, under

[*Babu Surendranath Banerjee.*]

the orders of the Imperial Government, that deficit was made good from the Provincial Fund. I hope I may be permitted to express my regret at that order. The Imperial Government is the custodian of the Famine Insurance Fund. It has made itself responsible in the eyes of the whole civilised world for the protection of human life and the mitigation of human suffering from the calamities of famine, and the responsibility, therefore, for famine relief devolves almost exclusively on the shoulders of the Imperial Government. I hope and trust that the Imperial Government will see its way to recoup us to the extent of the five lakhs of rupees which the Local Government has had to contribute on this account. My hon'ble friend makes a statement in this connection which is extremely innocent in its character. He says:—'The question as to what contribution can be demanded is under the consideration of superior authorities.' The demand is a demand upon the local bodies; the local bodies are hard pressed; they have not sufficient funds to meet their own local demands, and I feel this view will be endorsed by my hon'ble friend. They are not in a position to meet the strain which their own requirements put upon them, and to ask them to add to that and to contribute a sum of five lakhs to famine expenditure would involve a serious burden which I am afraid they will not be able to bear. I would ask my hon'ble friend to state the names of the districts which have been called upon to make this contribution, and the amount which they are required respectively to contribute.

"Coming to the side of the receipts, I find that, in 1897-98, there was an improvement to the extent of six lakhs of rupees. We might at the first blush be disposed to congratulate ourselves on the elasticity of our revenues, but, on looking into the matter a little closely, the illusion disappears into thin air. Out of the six lakhs, three lakhs represent collections from water-rates imposed upon raiyats for drawing water from the Sone Canal, and my hon'ble friend, with admirable candour, says that this large increase in the payment of the water-rate is due to the scarcity of water. Practically it comes to this, that you take three lakhs from the pockets of the agriculturist in the payment of water-rate and put the money into the pockets of the general tax-payer. I admit that you are quite within your rights in doing what you have done. The Sone Canal was excavated at the expense of the general tax-payers, and the Government has, therefore, the right of levying a water rate for the benefit of the general tax-payer. But the community of Bengal is pre-eminently an agri-

[*Babu Surendranath Banerjee.*]

cultural community, and the well-being of the people depends upon the agriculture of the country; therefore the agricultural community should be treated with some consideration, and I submit that this increase in the receipts from water-rate is a matter which does not afford much room for satisfaction. Then, looking at the receipts from stamps, we have an increase of Rs. 1,30,000 under this head. My hon'ble friend says that this increase is due to an increase in the number of mortgages and the number of transfer deeds owing to the prevalence of high prices. However, the darkest cloud has its silver lining, and we find that the excise revenue has fallen off by a sum of three lakhs; but that does not represent a permanent improvement in the habits of the people: it represents their straitened circumstances. It points to the fact that they were not in a position to indulge in the luxury of liquor. Let us hope that those who through scarcity or otherwise abstained from intoxicating liquors for one season may from prudential considerations continue a habit which they found to be economical.

"Then we find on the expenditure side a sum of eight lakhs for famine purposes, and here I desire to congratulate the Government on the signal and pre-eminent success which has attended its efforts in this direction. And, speaking of famine operations and famine relief, it is impossible to refrain from referring to the kindly and practical manifestation of sympathy which the people of India received from the British public in the hour of their sorest need. It is sympathy such as this which is calculated to draw closer together the bonds of amity and good will which unite the two countries. It were much to be wished that the admirable suggestion of [illegible] of Darbhanga had been adopted—a suggestion which was en-[illegible] of Sir Henry Fowler—that a grant should be [illegible] for famine purposes. On the expenditure [illegible] lakhs was expended as grain allowance to the [illegible]ent, and I trust the day is not far distant when [illegible] the estimates as a permanent increase to the [illegible]terial servants of the Government. They are [illegible]ately paid servants the Government has in its [illegible]xed as far back as the year 1865. In 1885 a Com-[illegible] Mr. Grimley and Rai Durgagati Banerjea were members, and they recommended an increase of salaries to the extent of 75 per

cent. That recommendation has not yet been given effect to, but I hope that, with the advent of returning plenty and prosperity, your Honour will find it possible to do this act of long-deferred justice to this deserving class of public servants. I find that a sum of Rs. 6,23,000 which had been provided in the revised estimates for 1897-98 as a grant from the Government of India in respect of survey and settlement charges has been discontinued. I should like to know the reason why.

"Coming to the budget estimates for 1898-99, we find that an estimated increase of 13 lakhs is expected from the reassessment of the khas mahals. I look with some little apprehension at this increase of revenue, specially in view of the somewhat summary law which this Council passed the other day. I should like to know the entire sum which the Government derives as zamindar from the khas mahals, so that we may be able to judge of the percentage of the increase which is expected. I am quite sure that the Setttlement Officers of the Government will deal in a considerate manner with the raiyats. Then I find on the receipt side of the budget estimates for 1898-99 an increase of Rs. 70,000 under the head of Education and 'Schools—General.' I do not know what this means; but I hope it does not involve an increase in the fees to be levied in schools. Then, under the head of Excise, I find an increase of one lakh of rupees. This increase is connected with distilleries, and I should like to know how much of this increase is expected to be derived from outstills, how many outstills we had in 1896-97, how many in 1897-98, and how many are estimated for 1898-99; and what were the proceeds from these stills? We find that for 1898-99 the receipts from ferries show a falling off as compared with 1897-98. Does this mean that a larger sum has been made over from the proceeds of ferries to the local bodies? If so, I congratulate the Government on the result. The general practice is to make over one-half the proceeds of ferries to the local bodies. These receipts represent purely local funds, and it seems to me that local bodies would be enormously strengthened if the entire receipts could be made over to them. It would be a welcome addition to their straitened resources.

"Coming to the expenditure side, I find that there is an increase under the head of 'Forests,' and the explanation given is that this increase is due to vacancies in the appointments of Extra Assistant Conservators having been filled up. I should like to know how many Extra-Assistant Conservators you have, how

[*Babu Surendranath Banerjee.*]

many are natives of India, and how many Europeans and Eurasians? It seems to me that this is one of those Departments in which the children of the soil ought to be largely employed. There is one other observation I should like to make in this connection, namely, that there seems to be a very wide scope for the employment of educated natives in the higher appointments in connection with the minor Civil Services. It will be in the recollection of Hon'ble Members that there was a somewhat heated and animated discussion in this country in connection with the resolution of the House of Commons affirming the principle of simultaneous examinations for the Indian Civil Services. If you will look at the Blue Book which has been published, you will find that not a single Government—neither the Supreme Government nor any of the Local Governments—has said a word against the holding of simultaneous examinations in regard to the minor Civil Services. Therefore, as far as the wider employment of the people of the country in the higher appointments in the minor Civil Services is concerned, we are justified in making the inference that there is no objection on the part of the Government, at any rate there is no political reason against such employment. Then we find in the Budget that provision has been made for an Additional Commissioner. I should like to know why. We have been able to do with the present number of Commissioners; why then is another Commissioner wanted? The matter requires explanation. Then I find another item of increase on the expenditure side. It is a small item, but attention should be drawn to it. Under the head of victualling for officers and men afloat an increase has been found necessary. In 1896 97 the actual expenditure under this head was Rs. 18,000; in the revised estimates of 1897-98 it rose to Rs. 20,000, and the budget esti- [illegible] provide for Rs. 23,000. The expenditure seems to be increas- [illegible] of Government should, therefore, be drawn to [illegible] some other Departments—there is a tendency [illegible] intendence. I desire to call attention to two [illegible] and the Calcutta Customs Department. With [illegible] Member explains that, as regards the Excise [illegible] has been entertained and hence the [illegible] why there should be any increase in the [illegible] the Customs Department. Then, under the [illegible] the expenditure in 1898-99 is estimated at 98

lakhs, and the receipts from stamps 130 lakhs. There will, therefore, be a balance of about 30 lakhs. I refer only to the share of these receipts to which we are entitled, and not that which belongs to the Imperial Government; and it appears that we have an enormous balance. I remember that last year Sir Thoby Prinsep said, from his place in Council, that, after all charges had been met in connection with the administration of justice, there was a clear balance of 13 or 14 lakhs. If there is that balance, or a balance of 30 lakhs as estimated for 1898-99, or whatever the balance may be, the first charge on that balance ought to be the strengthening of the judicial establishments. You cannot say that our judicial system is perfect. The Council and the Government must be aware of the infinite delays to which suitors are subjected from the paucity of judicial officers. It is notorious that you have not an adequate number of Munsifs to try petty civil cases, and I desire to know whether it is proposed to add to the number of Munsifs, and, further, whether it is proposed to provide house accommodation for Munsifs. I know and thankfully acknowledge that something has been done in this direction; but much more remains to be done, and, as long as I have the honour to be a Member of this Council, it will be my duty to press this matter upon the attention of the Government.

"Lastly, let me refer to the expenditure under the head of Education, which shows an increase of about one lakh; that is to say, the estimated expenditure is set down at 28 lakhs as against the revised estimate of 27 lakhs. But, notwithstanding the proposed increase, the charge for education per head of the population in India is about the lowest as compared with similar charges in other parts of Her Majesty's dominions. It has been remarked that the faculties of our countrymen are capable of the greatest possible development under education, and this splendid material is being wasted by inadequate provision being made to promote the education of the people. I should like to know how much of the increase in education charges is due to European education? In the explanatory note it is stated that provision is made for the encouragement of literature.

"I should like to know how much it is proposed to devote to this object. Then there is a considerable increase under the head of Inspection charges due to re-organisation. Here, again, I should like to know how much is due to increased salaries allowed to the native members of the Department and how much

[*Babu Surendranath Banerjee; Babu Norendra Nath Sen.*]

to Europeans? I find that there is a reduction in the fund for grants-in-aid and scholarship grants. This is a matter which deserves the careful scrutiny of the Government. I rejoice to find that strenuous efforts are being made to promote the cause of technical education. I am an advocate of high education, none the less I desire to congratulate the Government on its policy in this connection; for the objects of high education and of technical education are not antagonistic. They both minister to the same purpose, namely, the elevation of the people. But, unless you are prepared to open out careers to at least the most distinguished of the young men who avail themselves of technical education, you can hardly expect your philanthropic efforts to be successful. That was the policy of the distinguished men who were concerned in the opening of the Calcutta Medical College. Incentives were offered to induce young men to overcome their prejudices, and the results have been marvellous. It is necessary that this fact should be recognised. Men after all are dominated much more by material than by moral considerations and the practical administrator should not lose sight of this fact. I may mention that Professor J. C. Bose last year, while addressing a meeting of the Society of Arts in London, remarked that students trained in electricity in the Presidency College were fully qualified to fill some of the higher appointments in the Telegraph Department. [The Hon'ble Mr. Risley rising to order said:—"I think this is not relevant."] I am only illustrating my contention that it is useless to open technical schools unless you are in a position to offer suitable careers either independently or with the aid of the Government of India to at least the most distin[illegible] students who are trained in those schools. My contention is that the[illegible] careers open to them, and that, unless there are, your schools [illegible] institutions they ought to be. If these young men find [illegible] there, they will dissuade others from joining these [illegible] of these young men I venture to make an earnest [illegible] nish them with suitable prospects, and I have [illegible] appeal will not be made in vain."

NATH SEN said:—"There is very little to [illegible] sented to us, especially as the appropriations from Provincial income to Provincial and Imperial expenditure seem to have been made under the mandates of the Government of India. The Provincial

[*Babu Norendra Nath Sen.*]

Statement, Sir, is simplicity, itself as compared with the Imperial Statement, published last month. It does not contain much matter of a controversial character. There is one point, however, which is referred to in the present statement in more places than one, which, it is to be hoped, will receive the attention of the Government as bearing on the economic condition of the masses. In referring to the increased income from stamps and registration, the increase seems to be regarded as a satisfactory feature in the operations of the year, but seeing that the increase is reported, and correctly reported, as due to the large number of bonds, mortgages and deeds of sale registered owing to the prevailing scarcity, it is more than doubtful whether there is any reasonable ground for satisfaction or congratulation in any such contingency. The Bengal Government has lately published a comparison between the famine administration as it was in 1874-75 and as it has been in 1897-98, and, alluding to the money costs of the two periods, gave us to understand that the cost *then* was double of what it has been *now*. Doubtless, the development of railways and irrigation accounts for a great part of this decrease on the present occasion, but the true test will be found in the staying power of the masses, as manifested in the stamps and registration income. Will the Government be good enough to satisfy the desire of the public for this knowledge?

"There is one other point which requires elucidation in the present accounts. In the expenditure table, the Forest and Registration Departments are said to cost 8½ and 4½ lakhs against incomes of 6⅞ and 7¾ lakhs respectively. The assessed taxes were put down as costing only Rs. 91,000 against an income of over 24½ lakhs. Again, Provincial rates are a source of revenue to the extent of over 44½ lakhs, whereas the machinery employed for the collection of these rates is alleged to cost 74 lakhs. Doubtless, there must be some satisfactory explanation of these anomalies forthcoming; but it would be more satisfactory if the accounts were presented in a form which may be understood by the general public.

"As the Provincial Statement may be said to form in a manner only a part of the Imperial Budget, the recent debate on that Budget has covered most of the ground, as far as Bengal is concerned, which it was the intention and purport of some of us to traverse. One of our greatest grievances, if you, Sir, will allow me to say so, is in connection with the working of the subordinate Civil Courts. The subordinate judicial service, it is notorious, is insufficiently manned, its members

[*Babu Norendra Nath Sen.*]

are acknowledgedly under-paid, and very badly housed, indeed. The ministerial officers in Bengal are also inadequately paid, and if irregularities, and even much worse things, result as a consequence, they follow as a matter of course. This subject, however, has been most ably and exhaustively dealt with by Sir Thoby Prinsep from his place in the Imperial Council, and he has scarcely left us room for criticism. But even if he had left room for further comment, this would hardly have been the time to press the matter, considering how the resources of the Government of Bengal have lately been put to the severest test by the extraordinary charges it has had to meet on account of the plague-scare, the famine, and the terrible earthquake of June last. I can only, therefore, express a hope that the Government will bear in mind the grievances of the members of the subordinate judicial service, and of the ministerial officers in Bengal—grievances which have been so ofte[illegible]urged on its attention—and will take the earliest opportunity to apply the necessary remedy.

"Having regard to the special circumstances to which I have referred, the Bengal Financial Statement, so far as it goes, must be accepted as satisfactory. But we must look to our past experience. Any forecast which we may now make may belie us hereafter. Calamities, equal to those which we have just passed through, or of much greater magnitude, may overtake us at any moment, and upset our most hopeful calculations. We must, therefore, be very cautious, and not too sure or confident about the future. I have no desire to be a prophet of evil, but it is ever best to keep a large margin for probable and even possible evils or misfortunes.

"With your permission, Sir, I will now direct the attention of the Govern- [illegible] the gravest importance to the teeming millions of [illegible]rnment should make some provision for meet- [illegible]ter, especially in this hot season. It may be [illegible]ent, that the making of such provision lies well [illegible]ities, zamindars and the Road-cess Department. [illegible]d a beneficent Government should not shelter [illegible]ernment ought not for a day longer to neglect [illegible]-water to the people of the interior in these [illegible]vant in Calcutta. Well-to-do municipalities in th[illegible]e large loans for water-works, but there are numerous places in Bengal which have not such financial resources. I do not

mean it in any way as a reflection on the great British Government, but I may mention that in ancient times, it was the first duty of Hindu kings to supply wholesome drinking-water to his subjects, and this he had to do in discharge of a strict religious injunction. Water is the very life of the people. Would it, therefore, be too much for me to request the Government to set apart a sum for the purpose of supplying drinking-water to the people? I would go further, and ask the Government to hold out special inducements to zamindars and other well-to-do people to sink wells, dig tanks and re-excavate old tanks. If this be done, we shall be able to contribute much to the health of Bengal, and to keep out cholera and other epidemic diseases."

The Hon'ble BABU KALI CHARAN BANERJEE said:—"It is to be regretted, Sir, that in the Budget Statement an improvement in our agricultural prospects should have to be associated with an increase of the excise revenue. It has always appeared to me to be the duty of the Government to extricate the Hon'ble Member in charge of the finances from the awkward position of having to congratulate himself whenever in view of an improvement in the agricultural prospects, he can count upon an increase of the Excise Revenue, and of congratulating himself so far as to be unusually liberal in his appropriations to the Excise Department. As has been already pointed out, the full sanctioned scale of officers and establishment has this year been provided for under all the heads. Then, coming to the head of Education, it is a gratifying fact that provision has been made for increased expenditure the encouragement of literature and for the establishment of a new boarding school for girls. It is striking, however, that while there is to be an increase of expenditure under this head, the increase is not likely to give satisfaction. The test of a healthy increase of expenditure is that it results in giving satisfaction to those concerned. If we take, for example, the increased expenditure in connection with the reorganisation of the Educational Service, it is very striking that while the reorganisation of the Educational Service has led to an increase of expenditure, the new scheme has not satisfied the parties concerned. That there should be an increase of expenditure, and yet those immediately concerned should not be satisfied, seems to me to be anomalous. Then, again, the amount appropriated for grants-in-aid has been cut down; so that those educational institutions which have to depend on grants-in-aid from the Government, will have their grants from the Government reduced. They, there-

fore, cannot be satisfied. If the test to which I have referred is at all a proper test, increase of expenditure should secure the satisfaction of those who are affected by such increased expenditure; but we have here the phenomenon of an increase of expenditure without the satisfaction which ought normally to result from increase of expenditure. There is one other point under the head of Education to which I wish to refer, namely, that the increase of expenditure is attributed partly to the examination charges in connection with schools under the charge of European Inspectors. I do not know the details of those charges, but certainly a considerable proportion of those charges must be due to the fact that in connection with European schools, an examination has been started which is separate from the Matriculation examination of the University. Time was when there was only one examination for Bengali and for European schools. Whether this increase of expenditure on account of examination charges is chiefly due to there being a separate examination for European schools I do not know; but I think it is a matter for consideration whether there should be a separate examination for European schools."

The Hon'ble Mr. Buckley said:—"The Hon'ble Babu Surendranath Banerjee has referred to the increase of three lakhs in the Irrigation revenue, and he said that it does not afford much room for satisfaction. I am quite sure that, if he was aware of all the circumstances connected with that increase of revenue, he would see reason to change his opinion. It is true we cannot show in these provinces financial results from irrigation works equal to those in the North-Western Provinces or in the Punjab. Our irrigation [illegible] are a considerable drain, in one sense, on the Provincial revenues. [illegible] case, I think the expenditure upon them is most fully justified. [illegible] experience of the Sone Canal, which did its work [illegible] way, which was, perhaps, hardly appreciated by the [illegible] sure it was most thoroughly appreciated by the [illegible] Hon'ble Member to say that these three lakhs were [illegible] those who paid the water-rates for the benefit of [illegible] that the rate-payers paid increased rents in 1896; [illegible] the actual collections were 99·6 per cent. of [illegible] year. They were in fact very well off and they were happy. In 1873, during the last famine which occurred in these provinces,

it was the policy of the Government to import large quantities of grain for the benefit of the people of Bihar. That policy has now been departed from. In 1873 160 lakhs of maunds of rice were carried into Bihar, a quantity which was far in excess of what was required. The Sone Canal in 1896-97 actually put into the hands of the people at least 45 or 50 lakhs of maunds of clean rice (not paddy) available for the use of the famine-stricken people of Bihar; that is to say there were 50 lakhs of maund of rice in the district which would not have existed had not the canal been there. Something approaching to one-third of the total quantity of grain which Sir Richard Temple with great labour imported in 1873. This is a point of some importance. Though the revenue which is obtained from the canal is not large, it is steadily though slowly increasing. The most important point, however, is that the people now thoroughly appreciate the benefits of the canal and ask for more water than can be given to them, and leases are now actually being refused. There is a small irrigation work constructed by a native gentleman in Champaran. It was my duty to ride about that district during the late famine, and I saw miles of rice crops where you would hardly gather a handful of rice from an acre. But under the protection of that little irrigation work the value of the rice crop which was saved by it was fully [illegible] equal to [illegible] the entire capital cost of that canal, if not more. It would have paid the people living near that canal to have constructed that work for that one season alone. The same is true to a considerable extent with regard to our large irrigation works. The rains failed to some extent in 1895, and again in 1896, and the crop saved in those two years by the action of the Sone Canal was estimated to be equal to about two-thirds the total cost of those works. In the famine year 1896, when all the irrigated fields were rich in grain, the people sold their crops to enormous advantage, two or three times over the value, in ordinary years, and they were rolling in wealth; they are happy and contented and paid their rates cheerfully."

The Hon'ble MR. FINUCANE said:—"I will reply, as far as I can, to the questions which have been put in connection with the Departments with which I am associated; but, before I do so, I hope I may be permitted to congratulate the Council on the moderation of the Hon'ble Members who have criticised the budget. These discussions directly led to nothing in particular, but they may indirectly result in considerable benefit in the way of enabling the Financial Member to justify the expenditure which has been incurred or which it is proposed

[*Mr. Finucane.*]

to incur, and also in eliciting information which may clear away misunderstandings. But if that is the object of this discussion, and if that object is to be attained, then it is at least desirable that Hon'ble Members should give notice to the Member of the Government in charge of the Department to which the questions appertain as to the points on which they desire information. There is scarcely a single subject of expenditure upon which some question has not been asked. For my part I have had no notice of the questions which have been referred to in respect of my Departments, and it is impossible to carry in one's head all the details which have been referred to and give the information wanted. (The Hon'ble BABU SURENDRANATH BANERJEE:—"I gave notice to the Hon'ble the Financial Secretary.") I must, however, endeavour to answer as well as I can.

"With regard to the contributions of local bodies towards famine expenditure, there is some misunderstanding. The position is this: District Boards and Road-Cess Committees have in ordinary years to spend some of their money upon the improvement of roads, tanks, &c.; when famine came these bodies were asked whether, instead of employing the District Engineers and their other establishments on these works and working by contractors, they would be willing to place their establishments at the disposal of the Government and to contribute to the Government for expenditure on roads, tanks, &c., the money they would have themselves have spent on these objects. They agreed to do so. They agreed to contribute of their own free will, and the total amount that was thus agreed upon to be contributed was, I think, eight lakhs. It afterwards turned out that the famine had not made its appearance in certain districts in which it was at first thought famine would have been felt. Those districts were not asked to make good the estimated contributions, and the result is that only the districts in which famine was declared were ultimately asked to contribute, and the total amount to be paid thus became very much less than what was originally estimated. But even of that total amount the whole has not yet been paid, and the question now under consideration is whether the famine districts are able to pay the sums they promised. It has been said the responsibility for relieving famine is on the Government, and that they ought not to ask the District Boards to share the burden of it. The Government has not done so; they have simply asked for the funds which the District

Boards would otherwise have themselves spent, and these funds have been spent on repairs and construction of roads just as they would have to be spent by the Boards themselves. I have been asked to name the districts from which these contributions have been promised; I cannot name them now one by one; they are simply the districts which were declared to be famine districts. From other districts nothing has been taken. Not only have the District Boards not been asked to share the burden of relieving distress, but on the contrary Government has carried out from Imperial and Provincial Funds—as famine works—numerous works which would in the course of time have to be executed by the District Boards, and in doing so has largely added to the supply of good drinking water to which reference has been made.

"Then my hon'ble friend has asked how much revenue the Government derives from the *khas mahals*. I cannot answer that straight off. The information is given in the published annual report of the Board of Revenue. I can only say that the increase of revenue which the Government has obtained from the *khas mahals* and from the re-settlement of revenue in Orissa and elsewhere is so moderate that, as was pointed out the other day by Sir Alexander Mackenzie, the new rents have been settled and realised all over Bengal without any friction or difficulty, with an infinitesimally small number of appeals, and with the consent of all concerned. The number of tenants whose rents have been settled since the passing of the Tenancy Act has been at least double the total number of agricultural tenures in England, Scotland and Ireland put together. Yet no complaint was heard; everything went on smoothly, and that is a sufficient guarantee that the Government has been and is being moderate in its demands.

"Then as to the Education Department, it has been asked how much of the increased cost of the Education Department is due to the increase of pay of the different branches of the Education Service, and the question has been asked why is that the re-organisation scheme has not given satisfaction. The increased cost of the re-organisation of the three branches of the service is about Rs. 14,000 a month. The superior branch of the service, manned mainly by Europeans, has had its cost reduced by about Rs. 10,000 a month, by some of the senior men of the Education Department retiring and their places not having been filled up by Europeans; and the whole of that saving and more has been devoted to the improvement of the prospects of the Pro-

vincial and Subordinate Education Department; so that the whole of the saving effected by reduction of the staff of the Superior or Imperial branch of the service has been devoted to the benefit of the men in the Provincial and Subordinate branches of the service which are manned chiefly by natives of India. Then it is said why has there not been satisfaction? The only answer I can give is that the gentlemen who are dissatisfied would like to have all the money that is being spent upon the Provincial and Subordinate Services given to them, and, in addition to that, they would like to have all the good things in the superior branch of the service too. But both the Government of India and the Secretary of State have held that it is necessary to have a certain number of Europeans in the higher branch of the service, and hence the dissatisfaction. Then my hon'ble friend has spoken of technical education. Part of the expenditure under this head is due to the opening of the Sibpur agricultural classes and of the Bengal Veterinary School. And my friend says that unless the Government provides employment for those who have been trained in these classes, the money spent on these technical schools will be wasted. The Government has done all that it can in providing such employment. It has reserved appointments in the Subordinate Executive Service for the licentiates of the Agricultural School, and held out hopes of other suitable employment for them, and it gives preference to candidates from these schools. At the same time I am surprised to hear such a statement as that made by the Hon'ble Member. Are we to be told that in the matter of agriculture the people of this country will not enter schools provided specially for training in agriculture unless they are promised certain employment by Government, that zamindars and their sons have no interest in improving the agriculture of the country unless they are provided with Government appointments? [The Hon'ble BABU SURENDRANATH BANERJEE:—"I said the most distinguished of the students."] Similarly in the case of veterinary schools. If there is anything in which the people of the country should take interest, it is in matters of this kind, in the well-being and improvement of cattle and in agricultural improvement; and if we are to be told that nobody will take an interest in these schools unless those who enter them are provided with employment, then I can only say that I hope the Hon'ble Member is mistaken and that it will not be so.

"Then with reference to the Forest Department, a question has been asked as to the cause of the additional expenditure under this head. I may remind

my friend that the necessity for this expenditure was recognised some years ago, and my impression is that half of it is due to the improvement of the superior and the other half to the inferior branches of the service. During the last three or four days a letter has been before me, in which it is stated that an increase of Rs. 8,000 has been given to the inferior branch of the service.

"A question has also been asked as to the increase of fees in schools. The answer is that there has been no increase in schools in general, but only in the European schools in Darjeeling. They are schools which have been found necessary for the children of the poorer classes of Government employés who should have some facilities given them for the education of their children. It has been asked why the grants-in-aid have been reduced. The answer is that there has been no reduction. The grants-in-aid amount to six lakhs, the same as last year. The Hon'ble Babu Norendra Nath Sen has referred to the increase under the head of 'stamps'. It is no doubt to be regretted that the people have during the late famine been obliged to mortgage their property to a greater extent than in ordinary years; but that was unavoidable unless the Government were to administer famine relief on a recklessly lavish scale and were to pay no attention to the interests of the tax-payers. It is a matter for some congratulation that the security of tenant-rights in Bengal has been so good that the tenants have been able to borrow the money they needed. The Hon'ble Member has also asked for information as to the staying power of the people. He will find all the information we have on the subject in the Final Resolution on the Famine dated 11th March which was published in the Gazette.

"I beg in conclusion to thank the Hon'ble Babu Surendranath Banerjee for the generous manner in which he has referred to the famine administration of the Province."

The Hon'ble MR. RISLEY said:—"This debate may be described as a debate *de omnibus rebus et quibusdam aliis.* It covers the entire range of our administration, and considering the multifarious character of the administration, it is almost beyond the bounds of possibility that any one man can carry in his head all the details which will enable him at once to say of what charges any particular sum is made up; and it frequently happens that questions are put in such a manner that they cannot be precisely answered owing to the form of the accounts. There has been a slight change in the practice

[*Mr. Risley.*]

of the Council in this respect. Formerly the debate on the Budget was preceded by what I may call an army of skirmishers in the shape of questions, and that is a practice which now prevails in the Bombay Council. Some forty or fifty questions are asked and answered before the debate begins. But as regards the Bengal Council, Sir Alexander Mackenzie ruled in connection with the budget debate, that it was not sound practice to ask formal questions by way of interpellation relating to the budget, and he said it was desirable that Members who wish to refer to particular points should communicate beforehand with the Secretary in charge of the Department to which the matter belongs and obtain from him any detailed information he desires, and so enable the Secretary to inform himself as to those details before the debate commences. On the present occasion I have to thank my hon'ble friend Babu Surendranath Banerjee, who is well acquainted with the practice of this Council, for having given me notice of the points he proposed to raise, and thereby placed me in a position to reply to such of them as have not already been replied to by my hon'ble friend Mr. Finucane. As to the budget itself, there is exceedingly little to be said. It is a calamity budget and bears the marks of famine, earthquake and cyclone on its face. It has been made a matter of comment that the opening balance is Rs. 5,39,000 and the closing balance is also Rs. 5,39,000. In ordinary years by a standing order of the Secretary of State, we are required to reserve out of the surplus a sum of 20 lakhs to meet unforeseen emergencies during the year. Ordinarily, therefore, the opening balance in fortunate years is made up of this irreducible minimum of 20 lakhs plus certain other sums. In 1896-97 the balance was Rs. 58,20,000 and the closing balance Rs. 41,07,000, and the difference between these sums was appropriated for the improvement of the administration. Now the balance being less than half the minimum which is ordinarily reserved, that balance cannot be reduced further; and therefore the opening and closing balance stand at the same figure.

"It is exceedingly difficult to deal with the various points which are raised in a debate of this kind in a connected fashion, and one can only notice them as they present themselves in as regular a form as is possible. My hon'ble friend Babu Surendranath Banerjee referred to the demand which has been made on District Boards in connection with the famine, and a very full reply was given to him by my hon'ble friend Mr. Finucane, which I can only amplify by giving the details.

[*Mr. Risley.*]

I have a statement before me which shows in what district famine was declared, and gives for a number of districts the amounts which were expended on famine relief by District Boards on their own account and the amounts contributed by them towards the Provincial expenditure on account of famine. I think it unnecessary to take up the time of the Council in reading out the details of that statement, but I can readily give my hon'ble friend a copy of it. [The Hon'ble BABU SURENDRANATH BANERJEE :—"I hope it will be published in the proceedings."] As regards Irrigation, I should like to add my testimony to that of my hon'ble friend Mr. Buckley, as to the anxiety of the raiyats to get canal water. I was in Midnapore in 1874. The high-level canal had then not been constructed very long, and it was found that the raiyats had not come forward very readily to take water. The rainfall of ordinary years made them independent of the canal, and they used to wait until the last moment and would not come forward to take leases for a term of years. But in 1874 the demand for water became tremendous, and then they completely realised what a superb resource they had in the canal against the scarcity of water, but unfortunately as the canal was not fed from sources which are perennial, there was not so much water as the raiyats would have liked to take. Closely connected with this question is the question of grain compensation allowance. It was given in the famine districts, and is being given even now in one or two districts which have not reverted to their normal level. Then my hon'ble friend made an appeal to the Government on behalf of the ministerial and menial servants of the Government. I may say that as regards menial servants, provision has been made to raise to Rs. 6 a month the pay of those who now get between Rs. 5 and Rs. 6, and to raise by one rupee the pay of those who get less than that sum. This has been sanctioned by the Government of India and the Secretary of State, and is being brought into effect as grain compensation is withdrawn. The question of the salaries of the ministerial officers of the Government has been discussed in this Council before. It was discussed at some length in the debate which took place on the 11th April, 1896. I then referred to the Report of the Salaries Commission. They stated that the rise of prices which had occurred between the time (1861) at which the salaries of the ministerial officers were fixed, and the time when the Salaries Commission reported (1884-85) amounted to about 75 per cent. But that is not correct. They added together a number of increases in the percentage.

[*Mr. Risley.*]

They said rice had gone up 65 per cent., vegetable 83 per cent. and condiments 113 per cent. I asked them what proportion of a man's income did he spend in condiments, and any one can see the enormous increase in the percentage of condiments brought up the scale. Moreover, the Salaries Commission entirely left out of account certain articles of consumption, the prices of which had fallen. They left out, for instance, piece-goods. Clothes make up a large proportion of a man's ordinary expenditure, and taking grey shirtings as a test, the price of piece-goods had fallen 30 per cent. And so with regard to salt, the price of which had fallen 35 per cent. Therefore as regards the Report of that Commission, nothing is clearer than that, as far as percentages went, it was wholly fallacious, and it no more gives one a real idea of prices than Falstaff's tavern bill with its intolerable deal of sack does of the diet of an average Englishman of his day. And quite apart from this we must put aside the whole argument of the Salaries Commission which is based on the rise in the standard of living. But there has been since that time a certain net rise in prices, and the question was very carefully gone into about three years ago under Sir Charles Elliott's orders. I prepared a table of index numbers based on what was done by economists in Europe, and it was subjected to test by high statistical authorities such as Mr. Stephen Jacob and Mr. O'Conor, Director-General of Statistics; and they came to the conclusion that the table, which had been prepared, gave a very fair approximation of the truth, namely, that there has been a rise in prices to the extent of from 13 to 16 per cent., and I said in Council then, and I say so still, that it would be on the whole fair that the salaries of the ministerial officers of the Government should be raised by 12½ per cent. or two annas in the rupee. That would cause an increased expenditure of Rs. 3,68,000 or, say in round numbers 4 lakhs; whereas the proposal of the Salaries Commission, apart from its being founded on altogether fallacious grounds, would cost no less than a sum of 24 lakhs. This proposal to raise the salaries of the ministerial officers of the Government was strongly pressed on the Government of India in connection with the last settlement of the Provincial contracts. We applied for permission to raise their salaries out of the surplus in that proportion, and asked that it might be recognised as a permanent and reasonable charge on the finances of the Province. The Government of India, however, were unable to allow that deduction to be made from the general revenues of India. It is, however, only fair that I should mention that there is something

to be said on the other side. In the first place the charge is a very large one, and it would not affect Bengal only; for if you raise the salaries of the ministerial officers here on the basis of the rise in prices, the ministerial officers in other Provinces would under similar circumstances have a claim on the general purse, and in regarding this proposal with a critical mind, one can hardly fail to observe that the number of men desirous of serving in these appointments is continually increasing. It is an unfortunate consequence of the present system of education that the supply of qualified candidates increases more rapidly than the demand.

"Then my hon'ble friend referred to the reduction in the allotment for surveys and settlements of Rs. 6,23,000, and this is a point which the Hon'ble Mr. Finucane did not mention. The principle on which this allotment is arranged is that two lakhs a year are taken throughout the term of the Contract, but it was recognised that in the first year of the contract, a very large programme would have to be gone through. Consequently a special allotment of Rs. 6,23,000 was made in the first year, and the allotment for that year, therefore, is Rs. 8,23,000. It has now been reduced by natural causes to two lakhs.

"My hon'ble friend also mentioned the increase of the distillery receipts and the number of outstills. As to that, I should explain that under the head of 'distillery receipts' an increase was anticipated on the actuals of 1896-97. The receipts in 1897-98 were abnormally low owing to the prevailing scarcity. As to the number of outstills, I do not think it will be convenient, and it would certainly be quite contrary to all budget procedure, to enter into details of that kind in the Financial Statement; but the full details are given in the Excise Reports which are published and accessible to everybody. In 1896-97 there were 2,097 outstills, and they represent a net reduction of eight from the number in the previous year. I say a net reduction, although the number is apparently larger, because the increase is due to the fact that several branch shops, which were before included as annexes to the principal outstills are now given as separate outstills. The revenue from these outstills is Rs. 32,32,000. I should further explain that the revised estimate of 1897-98 and the budget estimate of 1898-99 are based simply on the previous actuals. They bear no relation to the number of outstills. It would be impossible otherwise to calculate the amount of revenue which may be expected. The

actuals of the past year are taken, and that is the best basis which can be taken as an estimate.

"Then my hon'ble friend referred to the question of Ferries. I am not in a position to say now how the proceeds of each particular ferry are dealt with. The income from ferries is Provincial revenue, and in connection with certain proposals put forward early last year for introducing a scheme of permissive local taxation, the Government of India declined to allow any permanent alienation of the income from ferries. They said it was Provincial revenue and formed part of the general revenues of India and might not be permanently transferred. In point of fact what happens is that a certain number of ferries are made over to local bodies to meet particular charges. For instance, the important and profitable ferries in the neighbourhood of Patna are made over to that Municipality, and they form a considerable portion of their income, yielding something like Rs. 25,000 a year. But in many places the outturn of income from ferries is declining owing to the development of railway communications. A railway comes to a big river, and it institutes its own ferry, with the result that the income from local ferries is declining. And there can be no question that a Railway Company does the work of a ferry on the whole better than it can be done by any local contractor you are likely to find.

"Under the head of Forests my hon'ble friend asks for particulars of establishments. I have the particulars here collated under the heads of Imperial and Provincial services, but I do not know that any particular object will be gained by reading out the lists, as it consists of a mass of figures which requires to be studied somewhat carefully.

"Then as to the question of the victualling of officers and men afloat under the Marine Budget. The budget contains full provision for messing allowances for officers of the Pilot Service of different grades while on duty in the Pilot brigs. The money is given to the Branch Pilot in charge of the brig to enable him to make provision for feeding the Pilots on duty. This money was not drawn in 1896-97 owing to some technical reason, and it therefore did not appear in the accounts for that year, and that explains the apparent increase in the estimates this year.

"The increase under the head of Customs, merely means that by the end of the present year they will work up to the full strength of the sanctioned establishment. When the Tariff Act was passed in 1874, it became necessary

to make a large increase in the Customs establishment. The provisions of the Act caused an enormous increase of work which was further added to by the introduction of the cotton duties. Sanction was therefore given to new appointments being made as they were required, and the Customs Department has been gradually working up to the sanctioned establishment.

"Then several speakers referred to the question of Judicial Establishments, and it was suggested that the number of Munsifs now existing is inadequate. The figures are the following during the last three years. In 1895-96 there were under the head of Subordinate Judges 51, in 1896-97 the number was 53, and in 1897-98, 73. Of Munsifs there were in 1895-96 293, in 1896-97 294, and in 1897-98 294. In the first of these years the number includes ten deputed to Assam, in the second year eight, and in the third year 11. The Government of India are being asked to sanction the retention for a period of six months of the Subordinate Judge of Burdwan, and an additional Subordinate Judge for Tippera: also for the retention of the additional Subordinate Judge of Faridpur, Birbhum and Saran, who is an itinerant officer who goes from place to place to dispose of the cases there. Reference has also been made to the weakness of the judicial establishment in connection with the duration of suits. There are some curious facts which have come before me which seem to indicate that as much work is not always got through by subordinate judicial officers as might be the case. I mention them as I have been myself both a Munsif and a Subordinate Judge, and have seen a good deal of civil suit work in former times. There was a famous case in Bhagalpur which lasted six months and in which it took 50 days to examine 92 witnesses. And there was another case at Faridpur which attracted the notice of the Chief Justice who said:—'The arguments for the plaintiff and the reply lasted for 24 days, a somewhat remarkable exhibition of forensic rhetoric. One witness was examined for 28 days; 11 or 12 adjournments were given. This is an exceedingly improper proceeding, because it breaks the thread of the case and makes it difficult to resume it,' and he goes on to remark and that is my experience also, 'that these delays are not due, in the great majority of the cases, to any fault on the part of the officers concerned.' The Chief Justice said that in this case the Subordinate Judge was not in fault. He got no assistance from the Bar, and if he attempted to control the proceedings, he complained that the Vakils became 'oppressive towards him.' In the Mufassal the Vakils who practise in the

[*Mr. Risley.*]

Courts have neither the training nor the experience of those in the High Court, and are neither so competent to frame issues nor are they so amenable to suggestions from the Bench.

"My hon'ble friend, Babu Surendranath Banerjee, referred also to the expenditure upon Education as compared with other countries, and said that the expenditute on Education is much less here than in other countries. But the real point is that if the expenditure on education in this country is very much lower than in other countries, so also is the taxation, and if it were open to us to raise taxation to the standard of other countries, there would be no difficulty in raising the expenditure on education to the same level.

"Then my hon'ble friend Babu Norendra Nath Sen referred to some point connected with the Forest and Income-tax Departments which I failed to catch completely. But I may say at once that it is entirely fruitless to compare the receipts under one particular head with the expenditure under that head. The various departments of the Government are not commercial institutions in which the receipts and the expenditure must balance. What you do expect to balance is the total receipts and the total expenditure under all heads, and it is mere waste of time to discuss any question as to the separate accounts under a particular head. The point which my hon'ble friend does not realise is that there are divided heads, half being Provincial and half Imperial; and if he looks at it in that light, then the matter clears itself up. My hon'ble friend went on to the question of providing drinking-water for the people. Everybody in Bengal is aware that Sir Alexander Mackenzie took an enormous amount of personal trouble to do everything which was possible to improve the supply of drinking-water. We have nearly completed a series of registers showing for every district in Bengal and for every village of more than a hundred people what means of water-supply, such as tanks and wells, there are, and their condition is being reported upon, and the idea of these registers is to place on record the state of things as they are, in order that the local bodies concerned, whose duty it is to improve the water-supply of the localities under their charge, may know what they have to do, and may be able when they have the means to carry out the necessary measures without unnecessary delay. But to recognise it as a Provincial duty to provide a better supply of drinking-water all over Bengal is absolutely out of the question. At the same time I admit that the resources at the

command of District Boards at any rate are at present insufficient to enable them to deal with the matter at all thoroughly. My hon'ble friend was pleased to say that this was recognised as one of the obligations of Hindu kings, but I may remind him that there can be no comparison whatever between the Hindu kings of old and the Government of the present day, and may add, what he omitted to mention, that this is one of the first obligations of a zamindar on religious grounds independently of any question of taxation.

"Then the Hon'ble Babu Kali Charan Banerjee mentioned the Excise Revenue, and he seemed to think that it is a very dreadful thing that we get any excise revenue at all. I do not think that it is very likely to come within the range of practical politics, that there should be in any part of India a Maine liquor law. When that distinguished Radical politician, the Hon'ble Mr. James Bryce, came over to this country and went to Darjeeling, I was asked to show him curious forms of worship and curious customs. I took him to the top of Observatory Hill, where three different sects were offering sacrifices to the god Kinchinjunga, and shewed him that in two out of the three cases the offering consisted of strong drinks. With that fact before us, I told Mr. Bryce that it would be a very serious interference with the religious customs of a great many tribes in different parts of India to interfere with the supply of spirituous liquors. This being so, the best thing you can do is what we are endeavouring to do, and that is to get as much revenue as it is possible to get out of the excise and at the same time to reduce the consumption to a minimum. We have accordingly extended enormously the central distillery system and have greatly reduced the outstill system. And as to establishments, we have now worked up to the full sanctioned establishment; but if you compare the establishment in Bengal to that which is employed in other Provinces, you will find that the establishment here is ridiculously inadequate, and if any change of policy is introduced in the Excise Department, it will rather be to assimilate our system to that which prevails in Madras and Bombay, and with such a change it will be inevitable that there should be a very large addition to the establishment. There is a very great deal of illicit distillation going on throughout the country, and it may possibly be necessary to raise the Detective establishment, but there can be no doubt that any change which may be made will pay its way.

"I have endeavoured, as far as I can, to meet all the points which have been raised by Hon'ble Members."

[*The President.*]

The Hon'ble the PRESIDENT said:—"I understand that it is customary for the President to wind up the annual discussion of the Financial Budget. But I am quite sure that my colleagues in this Council to-day will not expect many remarks on the matter from a President who has been in office for only a week. I should like, however, to say that it is a matter of sorrow to me to find that the finances of Bengal are not in a more prosperous condition. I cannot say that it is a matter to me of disappointment, for it is inevitable after a period of severe famine, a great earthquake, and precautions against pestilence, that the Province should be in straitened circumstances. But I hope we are now at the beginning of a more favourable series of seasons, and that as the year goes on, we shall find ourselves approaching another budget with lightened responsibilities and with increased hopes of financial receipts. Speaking of famine, I should like to speak here as the representative till a very few days ago of the Government of India, and to mention my admiration of the courage and care and economy with which the famine of Bengal was fought. It was not so fought in Bengal alone, but throughout India. I do believe that the famine generally was administered with more economy and more efficiency than any previous famine of the century. It ought to have been so, because we had before us the results of experience carefully tabulated, carefully summarised, and carefully arranged for the conduct of succeeding administrators. I congratulate the Province on its being free from famine now, and I congratulate ourselves on having more hopeful and more pleasant prospects before us. I listened with the greatest interest to the criticisms of the non-official members of this Council, and I hasten to acknowledge the moderation and courtesy with which all these criticisms were advanced. If I have one remark to make about them, it would be to say that I regret the absence from them of any suggestions of greater economy in the administration of the Province. The projects for the expenditure of money which are placed before the Government by non-official bodies and by officials are countless, and the difficulty is to eliminate from them those projects which are of the most pressing urgency as those to which we are limited by the conditions of finance. And I shall hope that next year we may receive from the non-official members of this Council those suggestions as to greater economy in administration which we may reasonably hope to receive from them. That is a direction in which criticism is of the very

[*The President.*]

greatest value, because it is a form of criticism which I am justified in saying from my experience with the Government of India and of Local Governments is extremely rare.

"Looking down the list of projects of expenditure in the Province of Bengal this year, which I have been particularly pleased to see, I was sorry to hear no mention whatever about them in the course of the discussion. For example, I place great weight upon the projects for the improvement of the appliances of the Medical College. I believe this to be of the first importance for the improvement of the instruction which our young students get there. Next to that I shall put the charges for the improvement of the Campbell Hospital, the hospital for the poor in Calcutta. I visited that hospital last year, and it was a matter of much satisfaction to me to find that a very considerable sum has been allotted in this budget for the improvement of that hospital. Then I hoped that we should have had some acknowledgment from the hon'ble non-official members who have spoken as regards the contribution that has been made for the support of the Eden Hostel. It is a project of the very deepest importance for the welfare of young students who come to Calcutta, for their preservation and protection from the immoral influences which must beset them in a great city like this. There is one other matter in which I take great personal interest, and to which a good deal of reference has been made in the course of the discussion, and that is the allotment made for the improvement of technical education. Last year I visited the College at Sibpur, and came away greatly impressed. There is no institution of the kind which I have seen in any other part of India which approaches the Sibpur Engineering College, and I am sure that if any Hon'ble Member who spoke about it had personally visited Sibpur College, he would have been gratified to know that every student who passed out of it receives immediate employment of some kind or other. I had something to do in the Central Provinces with agricultural classes in one way or another, and although no special efforts were made by the administration there to further the interests of the students, there was never any difficulty in the students getting employment. With reference to the question of the Subordinate Forest Service, I shall be much obliged to the Hon'ble Member who spoke of them if he would interest himself in getting a class of suitable native candidates for that service. It was tried in the Central Provinces, a large part of the area of which consist of forests and

jungle, and I exhausted attempts to induce native gentlemen to enter service in the Forest Department. They did not meet with success, the reason being that the pay was not very attractive, and that the climate is extremely bad. My efforts failed there, but if hon'ble gentlemen who belong to this country can induce the natives of Bengal to enter classes for the study of forestry, I shall give them the most hearty encouragement myself. The Hon'ble Mr. Risley has taken out of my mouth remarks which I intended to make in reference to the water-supply of Bengal. He has told you that it was the earnest desire of Sir Alexander Mackenzie to give every possible aid towards the improvement of the supply of pure water in the villages of the country. A scheme has been so far formulated that it has received the warm approval of the Government of India, and will be carried still further forward in a very short time. It is essential that measures of that kind should be undertaken in a systematic and methodical way. A scheme has been prepared, and I hope to be able before another twelve months are over to make some effort in that direction."

SALT BILL.

The Hon'ble Mr. Grimley moved for leave to introduce a Bill to amend the Salt Law in Bengal. He said:—

"Having regard to the fact that a large amount of the time of the Council has been occupied in carrying on the discussion on the Financial Statement, I do not propose to explain at any length to-day the reasons which make this measure necessary. I shall, therefore, confine myself to a brief statement of the chief objects of the Bill. First, it is proposed to do away with the restrictions of the Rawana system, which must necessarily transfer the salt trade and tend to increase the price of salt to the consumer. Another object is to provide for the resumption by the Government of Bengal of the administration of the Salt Department in Orissa from the Government of Madras, and the re-organisation of the controlling staff on a legal basis, while the third and last object is to introduce certain changes in the law which the experience of the past has shown to be necessary for the safeguarding of the revenue. I cannot claim to be the author of this Bill which has come to me from the hands of the Hon'ble Mr. Risley who has hitherto had charge of it, but in assuming the duty and the responsibility of conducting the Bill through the Council, I have to say that I am entirely in accord with its principles and its provisions. The Bill will be circulated to the Members of the Council, and at our next meeting, I propose to give a full account of the circumstances which have given rise to the measure."

The Motion was put and agreed to.

EXTENSION OF THE POLICE ACT, V OF 1861, TO CALCUTTA AND SUBURBS.

THE Hon'ble MR. PRATT presented the report of the Select Committee on the Bill to extend certain portions of the Police Act, V of 1861, to the Town and Suburbs of Calcutta. He said:—

"We have seen no reason to alter the Bill as it was introduced in Council except in one particular, and that is referred to in paragraph 2 of our Report which says:—'A disturbance in an area proclaimed under the Bill may be brought about by or with the assistance of inhabitants of some other area.' This certainly was the result of actual experience during the Tallah riots last year. Between 70 and 80 persons were arrested on that occasion and prosecuted to conviction; and it was found from their own admissions, as well as from the result of independent enquiries, that a majority of those persons came from areas outside the scene of actual disturbance. Moreover it was apprehended at one time that large bodies of men from the jute mills, both up and down the river, would come into Calcutta and swell the number of the rioters. Happily that danger was averted, but still it must be borne in mind as a possible feature in any future disturbance. The report, therefore, in paragraph 2 says further:—'We have therefore, following a precedent set by a Bill recently introduced in the Bombay Legislative Council, made some additions to the Schedule to this Bill with the object of authorizing the recovery from inhabitants of such other area of compensation awarded to persons who have suffered from their misconduct.' Beyond this we do not propose to go. We do not ask that these persons coming from areas outside the area actually disturbed should be called on to contribute towards the pay of the additional police quartered in the disturbed area. All we ask is that inhabitants of areas who have gone forth from their own areas to the place of disturbance for the purpose of joining in the disturbance should be liable to contribute towards the compensation of persons injured by their misconduct, injuries which are brought about very largely by the active association of these individuals with the mob. I only further desire to invite the attention of Hon'ble Members to the appendix to our report which I believe is calculated to afford useful assistance in studying the provisions of this Bill."

The Council was adjourned to Saturday, the 23rd instant.

CALCUTTA;
The 16th June, 1898.

F. G. WIGLEY,
Offg. Asst. Secy. to the Govt. of Bengal, Legislative Dept.

Reg. No. 212G—300—20 6 98

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 23rd April 1898.

Present:

The Hon'ble SIR JOHN WOODBURN, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.
The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General of Bengal.
The Hon'ble H. H. RISLEY, C.I.E.
The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.
The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble M. FINUCANE, C.S.I.
The Hon'ble W. B. OLDHAM, C.I.E.
The Hon'ble R. B. BUCKLEY.
The Hon'ble W. H. GRIMLEY.
The Hon'ble SAHIBZADA MAHOMED BAKHTYAR SHAH, C.I.E.
The Hon'ble M. C. TURNER.
The Hon'ble NORENDRA NATH SEN.
The Hon'ble SALIGRAM SINGH.
The Hon'ble KALI CHARAN BANERJEE.
The Hon'ble SURENDRANATH BANERJEE.

SALT BILL.

The Hon'ble MR. GRIMLEY introduced the Bill to amend the Salt Law in Bengal, and moved that it be read in Council. He said:—

"I have now the honour to introduce the Bill to amend the Salt Law and to move that it be read in Council.

"It has already been stated that one of the objects of the Bill is the abolition of the Rowana system, and as there may possibly be some Members of this Council who are unacquainted with the arrangements for the administration of Salt Revenue in Bengal, I will redeem my promise and give some account of

the system, describing its origin, how long it has been in existence, the manner in which it operates, the part of the country affected by it, and the special circumstances that render its continuance no longer necessary. The supply of salt to Bengal in the past has been derived partly from foreign importations and partly from home manufacture, though the latter source is practically extinct. Until 1863 Government had the monopoly of manufacture, the districts on the sea-board of the Bay of Bengal being divided into salt agencies. The salt makers received advances, and stipulated to deliver their salt, when manufactured, to the agent, at a price agreed upon, and the agents stored the salt and sold it to wholesale dealers at a price fixed from year to year by the Government; but in 1864, under pressure from salt merchants in England, it was decided to abandon the monopoly altogether, and to leave the salt trade to private enterprise under a system of excise. The salt factories were scattered over large areas of coast country, all more or less impregnated with brine, along the Bay of Bengal from the southern extremity of the Chittagong district on the east to the south-western extremity of the Chilka Lake, in the district of Puri, on the west side of the Bay. In addition to the possibility of imported salt being smuggled from ships, there was the double danger of illicit manufacture in the saliferous tracts, and of smuggling from the numerous salt factories; and to guard against this a large preventive force was maintained, and, as a further safeguard, a plan was adopted which necessitated the purchaser of a consignment of salt above the insignificant quantity of five seers, after payment of duty, obtaining a protective document termed a rowana, and also required him to convey the salt to its destination by a specified route, and while within certain defined limits, conterminous, more or less, with the salt-producing districts, to tender his rowana for the inspection of preventive officers posted at various pass stations on the way. On reaching his destination, he had to report the arrival of the salt to the preventive officer, who issued retail rowanas to cover the transport of any salt sold, until the entire batch was disposed of. This system was directed against the three forms of smuggling already mentioned, and so long as it was worked under close supervision and with an adequate establishment, there is no doubt that it served the purpose for which it was intended, especially in the prevention of smuggling from the manufacturing grounds. But since the early days of rowanas, the

circumstances of salt-supply and the conditions of the salt trade have undergone important changes, and the working of the rowana system has been very much modified in consequence. Imported salt is now the main source of supply, and home manufacture, which was mostly confined to Orissa, has entirely ceased. The rowana system was withdrawn from Orissa in 1885 without any harmful results, and the salt limits have been gradually contracted elsewhere. In addition to this, the system of bonding salt in private bonded warehouses in the mufassal has been extended, and further changes may be expected on the completion of the East Coast Railway. Formerly the rules were very stringent: the sales were checked by a special preventive force, and it was the practice to test the quantities of salt mentioned in the rowana by measuring the contents of the boat at certain stations on the line of route, but this practice was abandoned, as it led to extortion; later on in 1863, the special preventive force became merged in the Bengal Police, and though it was intended that the new constabulary should be maintained in such force as to provide for the efficient performance of salt duties, yet, in later years, when sweeping reductions were made in the police force, the pruning knife was liberally applied to the preventive branch, and only a very small portion of the force was retained for those duties, the thana establishments being cut down to the minimum required to deal with ordinary crime. Formerly also a wholesale merchant wishing to sell any salt was obliged in every instance to run to the salt station with a long note of the particulars of the sale and to apply for a pass; but he is now himself empowered to issue such passes in the form of retail rowanas, and is only required to submit a monthly statement of sales to the Collector, or the nearest police. These retail rowanas are of two kinds, the atrafee and the charchitti, each covering quantities up to 100 maunds, the former being used to protect salt which is intended to be conveyed beyond the limits of the police-station within which it may be stored, and the latter to protect salt kept for sale within those limits. There is also in the district of Backergunge a sub-charchitti, used to protect quantities up to five maunds only. The submission of monthly returns of sales by holders of rowanas, both wholesale and retail, was intended to show whether the revenue was being defrauded or not, and to attract attention to that part of the country where illicit practices prevailed. The idea was to trace every particle of salt from the ship or the manufactory to the hands of the consumer. Theoretically the system is perfect,

but under the changing conditions of salt administration, it has been found impracticable to carry it out with any degree of accuracy, and without seriously hampering the salt trade. Within recent years a full enquiry has been made into the working of the rowana system by Mr. Ashton, an officer belonging to the Salt Department of the North-Western Provinces, and his report unmistakeably indicates that the system has no longer any protectional or statistical use. His conclusions are (1) that it is not worked effectively, (2) that it affords no protection to the salt revenue from illicit manufacture, and (3) that the returns of consumption under it are untrustworthy, as the salt-traders can so manipulate statistics as to screen illicit manufacture and the trade in untaxed salt. The possibility of making use of retail rowanas as a cloak to cover illicit transactions is clearly demonstrated. Mr. Ashton therefore recommended the abolition of the rowana system. This proposal, however, had already been anticipated by the Hon'ble Mr. Lyall, Member of the Board of Revenue, who, in October 1893, minuted in favour of abolition, and it may not be out of place to mention that I myself, as far back as 1875, when Secretary to the Board, after a careful study of the subject, formed the opinion that there was no special advantage in retaining the system. Again in 1888 in an unofficial communication I wrote 'I am not in favour of half measures, and should be inclined to try the experiment of entirely abandoning the rowana system, and to leave salt, whether imported or locally manufactured, free and unfettered by any further supervision after it has once paid duty and passed the customs or excise barrier, confining protective measures, strengthened if need be, to the places of import, manufacture and storage. In this way the rowana system, which has been termed the second line of defence, would disappear, and only the first line of defence would remain, namely, the preventive force concentrated at the head-quarters of salt operations.'

"In past years smuggling was chiefly confined to the manufacturing areas, and the rowana system, when first introduced, was obviously intended to check this, the quantity of imported salt being at that time very limited, but now that licit manufacture has ceased and the area affected has been excluded from the operation of the rowana system, so far as retail rowanas are concerned, it cannot be said that the system is in any way required there. The restrictions which it imposes on the movements of salt are a serious impediment to the course of trade, which must tend to increase the price of salt to the

consumer. About 28,000 wholesale rowanas, and nearly two lakhs of blank forms for atrafee rowanas, charchitties and sub-charchitties are yearly issued to the salt merchant, and when we consider the time and trouble necessary to the prompt obtaining of these passes, and the services of the men employed in the transaction, to say nothing of the fees and stamp duties, it will be readily conceived how much the trade is handicapped. The system is out of date and as a statistical record of the distribution of salt is not to be relied upon, while the check which it provides against smuggling from shipboard can be arranged for in other ways, and section 12 of the Bill has been framed to allow of this being done. The section, I may here remark, will also enable provision to be made for the collection of information corresponding to that now afforded by wholesale rowanas, showing the quantity of salt intended for despatch to various districts. There is now very little danger of any smuggling from ships in the river which cannot be controlled by the Customs preventive force. The salt traffic is mostly carried in steamers, and it is idle to suppose that a steamer would stop in the river for the purpose of selling salt. Our sources of supply are (*a*) salt imported by sea into the two ports of Calcutta and Chittagong; (*b*) salt imported by land from Ganjam; (*c*) salt imported by land from the north-west; and (*d*) karkach salt manufactured in Puri on the Chilka Lake. The rowana system is no longer applied to the last three forms of supply, and it may certainly be withdrawn, as far as imported salt is concerned, without risk, though protective documents of some kind will of course be required in order to ensure payment of the Government revenue and to protect the salt owner from molestation while in the river. There will be no difficulty in securing that full duty shall be paid on all salt imported by sea, either at the time of unloading or of clearing from bond. I was reading the other day that no great work was ever done by a system, and though I am not prepared to accept this as an infallible proposition, yet it is obvious that no good work can be expected from a system that is obsolete and moribund, and the time has certainly come for relegating the rowana system to the limbo of antiquated usages.

"The second object of the Bill is to enable the Government of Bengal to resume charge of the administration of the Salt Department in Orissa. The administration of salt revenue in Orissa was placed under the control of the Madras authorities in 1886-87. The entire management of the Orissa Salt

Department, including the preventive work in connexion with that Department, was taken over by them in February 1888. The main objects of this arrangement were:—

(i) The concentration and development of manufacture of karkach or sun-dried salt.

(ii) The abolition of the rowana system throughout Orissa.

(iii) The gradual suppression of the manufacture of panga salt.

(iv) The reorganization of the establishment by substituting for the agency of the District Officers and the police a departmental staff for preventive and administrative work.

"The rowana system (at least as far as retail rowanas are concerned), which had been withdrawn from Puri in 1877, was, as noticed above, abolished in the rest of Orissa in 1885; and this step does not appear to have injured the revenue in any way. The licensed manufacture of panga has also been successfully suppressed in Orissa. But the manufacture of karkach salt from which a great increase of revenue and a substantial reduction in the retail price for salt was anticipated, has been found, owing to the weakness of the brine and the frequency of storms in the Orissa coasts, to be an unprofitable venture anywhere north of the Chilka Lake. The factories started on the Chilka for the manufacture of karkach salt under the direct system of management by Government have also failed to fulfil the expectations entertained about them, owing chiefly to the inferior quality of the salt turned out at these factories and to the difficult and expensive means necessary for its transit from the factories, on account of which it cannot compete on equal terms with the better quality of salt of the neighbouring Ganjam factories. The factories on the Chilka Lake have accordingly been closed lately by Government.

"The preventive establishment in Orissa has also been found to be very costly; and it cannot be said that this costly establishment has done conspicuously better work than the agency it replaced.

"In these circumstances, the administration of the Salt Department in Orissa has lately been retransferred to Bengal, and the work of administration has been actually resumed by the Government of Bengal, with effect from the 1st October, 1897. The Salt Department in Orissa is at present administered

under the Indian Salt Act, XII of 1882; and it is intended that this Bill, which repeals Act VII of 1864 which legalises rowanas, and is now in force in the whole of Bengal, except the Patna, Bhagalpur and Orissa Divisions and the town of Calcutta, should contain provisions which will cover the whole of Bengal, including Orissa; the saltpetre refineries in the Patna and Bhagalpur Divisions and in the town of Calcutta continuing to be worked under the Indian Salt Act.

"The third object of the Bill is to introduce certain changes in the law which experience has shown to be necessary in the interests of the salt revenue. I have already said that the time has come for abolishing the rowana system, but the removal of this restriction will render necessary the provision of other safeguards.

"The result of the enquiries made by Mr. Ashton in the coast districts of Bengal places it beyond a doubt that illicit manufacture is carried on on a large scale for the purpose of sale in certain parts, and more especially in the Sunderbuns tracts, which occupy a space of nearly 4,000 square miles of the 24-Parganas district. On this point I will let Mr. Ashton speak for himself. He writes thus—

'29. Salt used formerly to be made in considerable quantities along the whole line of the Sundarbans, from the Bussunti river (about 10 miles below Port Canning) south-westward to Saugor Island. Sites of old salt works, indicated by heaps of broken red pottery, may be seen on both banks of the Mutlah river on the edge of the forest, and further to the south-west they are to be met with almost everywhere on the banks of the innumerable creeks which intersect the dense jungle below the clearings. As I have already explained, the jungle of the section of the forest being dealt with is not of a kind which would render the manufacture of salt impracticable. Small clearings, natural or artificial, are numerous, salt efflorescence appears within the jungle itself where this is at all thin, and, even if this were not so, a space sufficient for a salt work could be cleared in a few hours. The soil is so extremely rich in saline matter that a clearing of a few hundred square yards only is amply sufficient to provide efflorescence for the working of a salt factory of considerable importance, and of course the supply of fuel is inexhaustible. With these facilities there is almost perfect immunity from capture, in fact, but very little chance of detection even, and a ready means of sending away large quantities of salt exists in the numerous boats which move about the creeks. Under these circumstances, it is not surprising to find that salt manufacture on a considesable scale is carried on in these jungles. That this is so there is no doubt whatever, as I shall proceed to show. Salt is made on the Bussunti river south of Port Canning, in Sundarban Lots Nos. 36, 37, 38 and 40 south-east of the Jainagar

[*Mr. Grimley.*]

police-station, in Lot No. 116 south of Muttrapur, in Lot No. 16 south of Kulpi, and in the jungles at the north of Saugor island; in fact, along the whole upper fringe of the section of the Sundarbans from the neighbourhood of Port Canning down to Saugor, a distance of about fifty miles in a straight line. I base this assertion on personal experience, the statements of the Police, information given to me by private individuals, and the wide area of country over which I found this salt beings sold in both the 24-Parganas and the Khulna districts. The manufacture and the trade are carried on in the most sacret manner. The factories are situate on the banks of creeks in the densest jungle, and can only be discovered by accident or by the help of guides. Around them are small clearings a few hundred square yards in extent, on which salt efflorescence, of a richness which allows of its being roughly scraped up to a depth of three to four inches, appears profusely, and in the creeks close by and in the jungle around there are inexhaustible supplies of sea water and fuel. A jungle salt factory comprises a furnace for boiling down brine and one or more earthern filters. In constructing a furnace, two rough earthern walls, from two to three feet apart, from three to four feet in height, and from four to six feet in length, are built paralled to each other; and the space between them is roofed over in dome-shaped form with an admixture of stiff mud and twigs. Circular spaces, varying in number from four to eight, are left open in this domed roof, and upon these, small iron boilers, each about two feet in diameter, are placed for the purpose of boiling down brine. The earthen filters are constructed in precisely the same way as that which has been already described in connection with the Midnapore district, but are far larger, their diameter varying from six feet to as much as eight feet. Salt efflorescence, from the surface of the clearing around the factory, having been lixiviated in these filters, the brine so obtained is boiled down in the iron boilers placed upon the circular open spaces in the dome-shaped roof of the furnace, a brisk fire of jungle fuel is kept up between the parallel walls, and as the salt precipitates in the boilers, it is scooped out of them and stored in a heap on the ground to drain and dry. The salt so produced is very like that produced in the Midnapore district, white and small in grain, not unlike Liverpool, but of poorer colour and brilliancy and liable to absorb moisture. Each of the iron boilers used is said to turn out from a maund to a maund and-a-half per diem, and the quantity of salt produced daily on a factory with a furnace of eight boilers would therefore amount to from 8 to 12 maunds. In the case of factories situate near the clearings some salt is carried inland in head-loads, as there are no roads and no other means of carriage; but the greater quantity is conveyed away in boats which come down the line of the Sundarbans for the purpose and steal about the creeks in a most unobtrusive manner. From what has been said it will be apparent that the quantity of salt produced in the Sundarbans must be considerable and the trade important. The area over which it is openly sold would go to prove this. I found it selling openly by retail in the town of Jainagar about ten miles north of the Sundarbans, at Bhangorhat, within the limits of the Hurwa Police-station, and at Husainabad on the Esamati river far to the north-east on the border of the

[*Mr. Grimley.*]

Khulna district. About fifteen miles south of Husainabad I found it being sold wholesale at the mart of Hingulganj, on the Esamati river in the 24-Parganas district and on the Khulna border. From Husainabad it is said to be carried up the Esamati river towards Basirhat; and the Police informed me that they suspected that it was sent to the Kidderpore and Tollyganj markets on the outskirts of Calcutta. In the Khulna district, I found it selling within the jurisdiction of the Kaliganj, Asasuni and Paikgacha police-stations, up to a point about fifteen miles south-west of Khulna itself. This is a wide area, and the fact of the salt being on view without any attempt at concealment in so many permanent shops, in a country where there are so few of these, would go to show that its consumption is very widespread. The boats carrying it follow the lines of least resistance, so to speak, and as the river lines trend to the north-eastward, so the traces of the illicit trade may be noticed in the same direction. I could not find any trace of the salt in the neighbourhood of Calcutta. It is said to be carried there in bags intermingled with bags of paddy, and if such a trade does exist, which is not unlikely, the salt probably passes up the Hooghly river to areas beyond Salt Law limits. I found the salt selling both in a pure state and also in admixture with Liverpool salt. In the Sundarbans it is said to sell at 24 seers per rupee, or Rs. 1-10-8 per maund, and a retail dealer at Asasuni in the Khulna district told me that it was obtainable at Husainabad in the 24-Parganas district at Re. 1-14-0 per maund, and that he had purchased it at Rs. 2-8-0 per maund from boats passing his village. As a general rule, this illicit salt is sold to consumers at the same price as the duty paid article, and the lowest rate was Rs. 3-12-0 per maund retail. The trade is a lucrative one, and there is every reason to believe that it is financed and carried on by wholesale dealers who profess to trade in duty-paid salt only, of which they keep small stores in their shops to divert suspicion. It could hardly be carried on to the extent that it is were it not for an organization of some sort, as it is not only the settlers on the line of clearings who manufacture salt. Men from the inland country go down to the Sundarbans in not inconsiderable numbers for the express purpose of working salt factories. It was said by local residents that from the neighbourhood of Jainagar alone, some five hundred men, "Podhs" (low-caste Hindus) and Muhammadans go down to the Sundarbans every season for the express purpose of working salt factories. The implements required for such factories are cheap and few in number, iron boilers costing from Re. 1-8-0 to Rs. 2 each, two or three phowrahs, and a few earthen vessels for carrying brine. Even so, however, there must be some organization which arranges for adequate boat carriage at timely seasons and for the distribution of the salt over a wide area of country. The season for manufacture begins after the cessation of the monsoon, as soon as the heat of the sun has dried the jungle and salt efflorescence begins to appear. It continues throughout the cold season, and until about April, with the greatest briskness. It then slackens somewhat, as the south wind and storms oblige boats to traverse river channels with caution, and the exceptionally high spring tides flood the jungle lands and check manufacture by obliterating salt efflorescence. Some factories are deserted at this season, but at others work goes on during the intervals between spring tides, until the fall of the first showers of the monsoon. I have spoken of the safety with which this kind of manufacture can be carried on. To avoid

being tedious I will relate briefly the experiences of three days in illustration. Coming down the Piali river, the launch anchored near Balaharnia, a small hamlet of seven houses, inhabited by Uriyas and Bengalis, and situate in a small, newly-formed clearing. On going ashore I found quantities of salt efflorescence scraped up all about the village, earthen filters were working in the jungle round about, and in some brushwood a little distance from the houses I found about ten seers of illicit salt in an earthen vessel, which the owner had evidently removed from his house on seeing the Police launch arrive. I had heard that a salt factory was being worked by these villagers, but it was hopeless to look for it in the dense jungle without some definite indication. Next day the Police took me to see some salt factories which they had seized some months before. Going down the river channel, we reached the mouth of a creek during the ebb, and the water was so shallow, and the current so strong that we had to wait for the flood. We went up the creek at last, could not find one cluster of factories, but found the second one owing to the jungle having been cut down, and then had to wait for the ebb in order to get back to the launch. Returning to Balaharnia, after being absent the whole day, I found that one of the men of the village, who had quarrelled with his fellows, was ready to show me the salt factory in the forest for a consideration. He led me about a mile into the jungles, and on the bank of a creek, and on the edge of a clearing, I found a working salt factory with a large earthen filter eight feet in diameter, a furnace arranged for eight iron boilers and a platform on a neighbouring tree as a retreat from tigers. There was no one at the factory, and the boilers had of course been removed. The factory was in regular work, and in fact salt had been produced that very day, as the traces showed. From what I saw it was clear that the manufacture within the houses was being carried on by the women and children, and that this jungle factory was the business of the men. On the third day I started to the south-westward with two Uriya wood-cutters as guides to see some salt factories which were known to exist in that direction. The Police had visited some of them earlier in the season, but the jungle was so dense, and the creeks so numerous and so alike, that they were quite unable to act as guides. The Uriyas found one set of factories with difficulty, and it was apparent that salt had been made shortly before, as there were traces of it on the ground where it had been placed in a heap to drain, and the fires were still alight in the furnaces. In searching for the second group of works, we lost ourselves in the maze of creeks and our guides failed us; we had to force our way up a creek, with dense jungle almost meeting over our heads, towards a clearing in which there was a hamlet about two miles away; from this hamlet we got a guide, a salt manufacturer himself, who took us to the second group of factories, which was situate in dense dwarf date jungle. These works were about fifty in number, and the ground about them was a perfect swamp owing to the spring tides having flooded the jungle. Returning, another group of salt factories was seen in a clearing on the bank of a river channel. We went down this channel at the close of the ebb, and could see nothing as we were twenty feet and more below the top of the bank. Returning, we came on the top of the flood, on a level with the jungle, and were then able to see the clearing and the salt factories in it. These details will give an idea of the difficulties in connection with the detection of salt manufacture in the Sundar-

bans. The manufacturers themselves work in perfect safety. The Police cannot reach them by way of the clearings to the northward without being noticed and warning being given; and during the ebb boats cannot come up the creeks from the southward against the strong tidal current. Even if a surprise is affected, all the men have to do is to take the iron boilers off the furnaces and disappear with them into the jungle. In such cases the Police have endeavoured to destroy the factories, but this has practically no effect, as any damage done is repaired in a very short time. Even if the earthen filters and furnaces were to be entirely demolished, new ones could be constructed in a few hours.'

"Mr. Ashton estimates the loss of revenue from illicit manufacture in the 24-Parganas at Rs 1,50,000, a sum which was arrived at by assuming that at least 500 men are engaged per six months in illicit manufacture, each working 20 days a month, and making not less than a maund of salt per diem. Mr. Ashton's enquiries have been tested by further investigations conducted by Mr. Ross, the Commissioner of the Sunderbans, and by Babu Madhu Sudhan Chaudhari, Assistant Superintendent of Police. In the course of enquiries extending over 500 square miles, Mr. Ross discovered 21 factories, each fitted with from four to eight boilers, and his experiments showed that a six-boiler factory was capable of turning out 3½ maunds of salt a day, and it is patent that these boilers were not intended to produce salt for mere petty home consumption This officer's report derives especial value from the fact that he had at first been rather sceptical about the existence of illicit manufacture on a large scale, and seemed to consider that Mr. Ashton had over-estimated its extent, but when he came to investigate the matter personally he formed a different opinion. Babu Madhu Sudhan Chaudhari travelled over 700 miles of the Sunderbans and came across seven big centres of illicit manufacture in which there were as many as 186 factories in working order, of the type described by Mr. Ashton, and he further reports that he received authentic information from eye-witnesses that in 12 other centres manufacture was carried on in open factories from November to April by professional manufacturers for the purpose of trade. It is difficult to say with any accuracy what the loss of revenue is from this manufacture, it is estimated by different observers at from 1½ lakh to 6 lakhs of rupees, but it is evident that it must be very considerable from the reports already mentioned and also from the fact that the consumption of salt in the thanas where illicit manufacture goes on is far below the average.

"Illicit manufacture is also believed to be carried on to some extent in the districts of Midnapore and Chittagong.

"It has accordingly been decided to employ in the coast districts of Bengal such a preventive establishment as will be able to deal effectively with the illicit

dealings in salt by striking at the very root of illicit manufacture. Such an establishment is intended to be permanently entertained in the 24-Parganas and the districts in Orissa, but it is also proposed to employ a small establishment tentatively to prevent smuggling and illicit dealings in salt that may be prevalent in the districts of Chittagong, Midnapore, Backergunge and Khulna.

"It will be useless, however, to employ these establishments unless the law is strengthened in such a way as to enable the officers employed to deal effectively with persons who make an improper use of salt-earth in defraud of the revenue. Power is, therefore, taken in the Bill to enable the Local Government to regulate and limit the excavation, collection, possession and sale of salt-earth in specified areas in saliferous tracts. It is not intended to interfere with the poorer classes who may make use of small quantities of salt-earth which they may find at their very doors for cheapening domestic consumption. It has always been, I rejoice to say and will, I am confident, continue to be, the policy of Government to deal leniently with such persons, but the persons against whom the provisions of the Bill are directed are those who collect large quantities of salt-earth in order to manufacture panga salt for sale, and the traders who purchase such salt and make large profits from the sale of it. The Bill has been circulated, and has been revised with reference to the opinion received which are, on the whole, favourable, and I have now to move that it be read in Council.

The Motion was put and agreed to.

The Bill was read accordingly.

EXTENSION OF THE POLICE ACT, V OF 1861, TO CALCUTTA AND SUBURBS.

The Hon'ble MR. FINUCANE, with the leave of the Council, postponed till the next meeting the following motions standing in his name, namely—"that the Report on the Bill to extend certain portions of the Police Act, V of 1861, to the Town and Suburbs of Calcutta, be taken into consideration, and that the clauses of the Bill be considered in the form recommended by the Select Committee," and "that the Bill, as amended, be passed."

The Council adjourned to Saturday, the 30th April 1898.

CALCUTTA;
The 17th June, 1898.

F. G. WIGLEY,
Offg. Asst. Secy. to the Govt. of Bengal,
Legislative Department.

Reg. No. 914G—800—20.6.98

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 30th April, 1898.

Present:

The Hon'ble SIR JOHN WOODBURN, K.C.S.I., Lieutenant-Governor of Bengal, *presiding.*

The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General of Bengal.

The Hon'ble H. H. RISLEY, C.I.E

The Hon'ble RAI DURGA GATI BANERJEA, BAHADUR, C.I.E.

The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.

The Hon'ble M. FINUCANE, C.S.I.

The Hon'ble W. B. OLDHAM, C.I.E.

The Hon'ble R. B. BUCKLEY.

The Hon'ble W. H. GRIMLEY.

The Hon'ble SAHIBZADA MAHOMED BAKHTYAR SHAH, C.I.E.

The Hon'ble M. C. TURNER.

The Hon'ble NORENDRA NATH SEN.

The Hon'ble SALIGRAM SINGH.

The Hon'ble KALI CHARAN BANERJEE.

The Hon'ble SURENDRANATH BANERJEE.

The Hon'ble JATRA MOHAN SEN.

CONSTRUCTION OF BUNDS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Is the Government aware that Tauzi No. 880, Chuddo Hazari, a mahal situate in the Contai sub division of the district of Midnapore, has been permanently settled with the proprietors of Jullamutha Estate, and that Tauzi No. 2720, Mutas Kaleender Balushye, has been settled with the same proprietors, one of the conditions entered in the *potta* being that the proprietors will have the privilege of constructing *bunds* with a view to reclaim the lands and bring

them under cultivation? Is it the case that in contravention of such a condition, a Notification, No. 243 of the 8th December, 1896, has been issued, prohibiting the construction of *bunds* in the tracts between the sea-dyke and the Bay of Bengal, where these lands lie, with the result that the proprietors have been put to heavy loss every year, as they are prevented from bringing these lands under cultivation?

The Hon'ble MR. FINUCANE replied:—

"Mahal Chaddo Hazari, bearing tauzi No. 880 in the Midnapore Collectorate, was permanently settled with the proprietors of the Jalamutha Estate; there is no condition in the kabuliyat that the proprietor will have the right to construct *bunds*; there is a condition that if *bunds* are required they must be paid for by the proprietor and not by Government. Mahal Mutas Kaleendar Balushye, bearing tauzi No. 2720, was temporarily settled with the same proprietor from 1st April, 1887 to 31st March, 1898; the lease, the term of which has expired, contained no reference to *bunds*. It is correct that a Notification No. 243 of the 8th December, 1896, was issued proposing to extend the provisions of clause (*b*), section 76 of the Embankment Act over an area between the sea-dyke and the Bay of Bengal, and prohibiting the erection of any new embankment or addition to any existing one. The Notification was issued under the powers vested in the Lieutenant-Governor under the Embankment Act, and was necessitated in the interests of the tract of country some 1,000 square miles in extent behind the sea-dyke, the drainage from which passes by sluices through the dyke, and so by channels across the foreshore to the sea. If the foreshore were enclosed by embankments to the exclusion of the tides, the scour from which at present keep these channels from silting, the channels would fill up, resulting in the vast area behind the sea-dyke becoming water-logged. It has not been possible within the time available to have the necessary local enquiry to ascertain how the lands of the two mahals in question lie in relation to the area covered by the Notification referred to, but it is not thought that the foreshore lands, which are subject to the action of the tides, could ever have been of value to the proprietor; while, as has been explained, it is not possible to allow them to be enclosed and cultivated without resulting damage to a much larger tract of

country. The policy of discouraging the construction of *bunds* in the area covered by the Notification is in accordance with the recommendations of the Committee who were appointed in 1889 to consider the effect and causes of the floods in the Midnapore district. The immediate cause of the Notification was the construction of a ring embankment which obstructed twelve of the water-courses referred to."

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Is the Government aware that about a year ago Rani Hari Priya Debi, eight-anna proprietor of the Jullamutha Estate, submitted a memorial to Government to allow her to construct *bunds*, and that no order has yet been passed upon the memorial; and that Babu Bhupendranarain Roy, the other eight-anna proprietor of the Julamala Estate, submitted a petition to the Collector of Midnapore as Superintendent of embankments in that district, praying that he may be allowed to construct *bunds* as provided for by Government when making the settlement, and that no order has yet been passed upon the memorial?

(*b*) Will the Government be pleased to pass early orders on the memorials, so that the proprietors may not be subjected to further heavy losses in the future?

The Hon'ble MR. FINUCANE replied:—

"(*a*) It is correct that Rani Hari Priya Debi submitted a memorial to Government for permission to construct embankments on her estate; it is also correct that Babu Bhupendranarain Roy submitted a similar petition to the Collector of Midnapore, upon which the Superintending Engineer has recently reported.

"(*b*) The matter, which is a difficult and complicated one, is still under consideration, but as at present advised, Government can hold out no hope to the petitioners of the possibility of acceding to their requests."

The Hon'ble BABU SURENDRANATH BANERJEE asked:—

Is the Government aware that the Executive Engineer of Balasore has been prosecuting the land-holders within the prohibited area before the

[*Babu Surendranath Banerjee; Mr. Finucane.*]

Criminal Courts with a view to prevent them from constructing petty *bunds*, and is it the case that convictions in these cases have been upset on appeal either by the Sessions Judge or the High Court? Will the Government be pleased to lay on the table a list of the number of such proprietors with the result of the criminal prosecutions instituted against them before the Sub-divisional Magistrate and the result on appeal or revision?

The Hon'ble MR. FINUCANE replied:—

"Government is not at present in possession of complete information as to the number of criminal prosecutions instituted by the Executive Engineer of Balasore or as to the result of them on appeal or revision. It is understood that cases have been instituted under the provisions of the law, where amicable negotiations had failed. Further enquiry will be made on the subject."

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Is the Government aware that the entire portion of the Majamutha Estate, which is held under the direct management of Government, has been excluded from the prohibitory tract, and will the Government state why this indulgence has been shown to the Government, and why the proprietors of private properties have been debarred from it?

The Hon'ble MR. FINUCANE replied:—

"It was considered necessary to extend the prohibition of the Notification only to such areas as were within one mile of any drainage channel, beyond which distance it was not considered that the prejudicial effect of embankments upon the water-courses would be operative. The lands of the Majnamutha estate fall beyond the limit prescribed, and were not therefore included in the Notification. In any case Government would not erect embankments which would be injurious, and it would be unnecessary for Government by notification to prohibit itself from doing what it had no intention of doing."

[*Babu Surendranath Banerjee; Mr. Finucane.*]

THE PROVINCIAL EDUCATIONAL SERVICE.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

I have the honour to call attention to the observations noted in the margin which occur in paragraph 20* of the Government Resolution on the re-organisation of the Education Department, dated the 26th March, 1897, and to ask what steps, if any, have been taken for giving effect to the intentions of the Government for improving the position of officers in the lower classes of the Provincial Service of the Education Department, and if not, whether, having regard to the savings effected by the re-organisation scheme, will the Government be pleased to give full effect to the intentions of Sir Alexander Mackenzie in this respect?

* The Lieutenant-Governor now sanctions the introduction of the new scheme with effect from 1st August, 1896. His Honour observes that, owing to the narrowness of the scale of the Provincial Service, as compared with existing salaries, the prospect of officers in the lower classes are very discouraging. For instance, officers now placed in class VI on Rs. 250 of the service are all in class III (Rs 200—20—300) of the existing service, and before they can receive any increase of pay, they must rise to the top of class VI, and then move slowly to the top of class V. He also observes that the Provincial Service of other Provinces are practically devoid of class VIII on Rs. 150. Sir Alexander Mackenzie regrets this state of things, and, with a view to improving the prospects of Provincial Service officers, he proposes at an early date to consider whether something may not be done by assigning a greater number of appointments to some of the intermediate classes.

The Hon'ble MR. FINUCANE replied:—

"The Provincial Educational Service was benefitted by the re-organisation scheme to the extent of some Rs. 60,000 a year. Sir Alexander Mackenzie submitted proposals to the Government of India by which further benefits would be conferred on the lower grades of that service, but the Government of India were unable to grant further concessions."

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Will the Government be pleased to state (*a*) how many vacancies have occurred in the different grades of the Provincial Service since the date of the re-organisation; (*b*) how many vacancies in the 6th and 7th classes have been filled up by promotions from the Subordinate Service, how many by appointments of outsiders and how many by promotions of officers in the VII and VIII classes respectively of the Provincial Service; (*c*) whether this practice of appointing

outsiders and promoting from the subordinate ranks has not materially prejudiced the prospects of officers in these two classes; (*d*) whether, considering the block that exists, Government thinks it desirable to grant any extension to officers who have already attained their 55 years and to promote officers in the Subordinate Service to Provincial posts, to the detriment of officers already in that service; (*e*) whether if the exigencies of the service make such promotions unavoidable, will the Government be pleased to place officers thus promoted to the last class of the Provincial Service with personal allowances equal to the difference of their pay and that of class VIII of that service, without superseding those who are already in the Provincial Service?

The Hon'ble MR. FINUCANE replied:—

"(*a*)—The vacancies which have occurred in the different grades of the Provincial Service since the date of re-organisation are—1 in class I; 2 in class III; 2 in class IV; 2 in class V; 5 in class VI; 3 in class VII and 3 in class VIII. These vacancies in the several classes include those which arose from death, retirement and promotion.

"(*b*) The vacancies mentioned above imply 12 vacancies in class VI; of these none has been filled up by promotion from the Subordinate Service, three have been filled up by the appointment of native gentlemen who were outsiders, to the vacancies caused by the retirement from the Indian Service of Sir Alfred Croft and Messrs. Ewbank and Stack, and another outsider will take the place of Mr. Robson, who has been transferred to the Punjab. The remainder either have been or will be filled by promotions from class VII. The vacancies in class VII, as implied by the figures given in answer to (*a*) would be 15. These must be reduced by the four outsiders; so that they come to 11 in all; of these three have been filled by the appointment of officers from the Subordinate Service. The remainder either have been or will be filled up by promotions from class VIII.

"(*c*) The practice of 'appointing outsiders' existed under the old system and cannot be altogether avoided if the efficiency of the Department is to be maintained. There have been three cases of promotion from the subordinate ranks. These have been treated as exceptional cases. Two of the officers had been selected by Sir Alfred Croft for special preferment in the former Subordinate Service, and would have found a place in the Provincial Service

had the re-organisation taken place at a somewhat later date. It was thought right that they should take the places in the Provincial list according to the relative positions formerly held in the former Subordinate Service by those into whose ranks they were being admitted. The third officer stood next to these two, and it was thought right that he should receive similar treatment. It has been ruled that if an Officer is in future promoted from the Subordinate to the Provincial list, he shall be placed at the bottom of the class corresponding in pay to that which, as a Subordinate Service Officer, he had been receiving. Instances of this kind will be rare.

"(*d*) As regards extensions of service to officers who have attained the age of 55, the Government is bound by the orders contained in Article 503 of the Civil Service Regulations, which, on financial grounds, discountinance the compulsory retirement of an efficient officer, except for special reasons.

"(*e*) For financial reasons it is not possible to act upon the suggestion made by the Hon'ble Member."

The Hon'ble BABU SURENDRANATH BANERJEE said:—

I have the honour to call attention to the remarks noted in the margin contained in the 7th paragraph* of the Resolution of the Government of India, dated the 23rd July, 1896, and to ask (*a*) how many officers teaching general subjects and how many teaching oriental languages have not been included in the Provincial Service; (*b*) whether the last four appointments of class VIII (*vide* Resolution No. 1244, dated the 26th March, 1898, of the Government of Bengal) are not new appointments not originally included in the assigned number 107 of the Provincial Service sanctioned by the Government of India; (*c*) if they are new, whether it would not be more consistent with the spirit of the Government Resolution quoted above to create four additional posts in that service, having regard to its subsequent increased needs which were not contemplated before; (*d*) whether the present arrangement has not seriously prejudiced the interests of the Professors who

* The principles upon which appointments recruited for in India are to be classed in the Provincial or in the Subordinate Service are:—

(1) that the line between the two services will be drawn rather according to the nature of the office held than according to pay;

(2) that generally Professors Inspectors and Joint and Assistant Inspectors are to be included in the Provincial Service; and Deputy Inspectors, Head Masters of district schools and officers of lower rank in the Subordinate Service, &c., &c.

were already in the Education Service at the date of the last letter (No. 2832, dated the 14th August, 1895,) of the Government of Bengal on the subject of the re-organisation of the Education Department, but were placed in the Subordinate Service list ?

The Hon'ble MR. FINUCANE replied :—

"(*a*) Two officers in the Bethune College for Ladies and one officer in the Chittagong College, who teach general subjects, have not been included in the Provincial Service. College Maulvis and Pandits, who have not been so included, are ten in number. The Provincial Service cadre was fixed on the supposition that three such appointments should be given to the Bethune College, and two to the Chittagong College, and this has been done. If more consideration were shewn to these institutions, it could only be done at the expense of the larger and more important Government institutions. As regards Professors of Oriental Languages it so happens that one more than the number originally intended for admission is now actually employed in the Provincial Service.

"(*b*) The last four appointments are not new appointments properly speaking. They have in no way increased the number of appointments originally fixed for the several colleges. In the case of Babu Hridoy Chandra Bannerjee, he is in addition to the complement originally assigned to the Presidency College, but in consequence of this the Dacca College is one short of its assigned number.

"(*c*) The appointments are not new.

"(*d*) The interests of Professors who remain in the subordinate list are not, it is believed, injuriously affected by the changes which have taken place, as some of their number will doubtless in time find a place in the Provincial Service, and it may be presumed that all round they will be gainers."

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether having regard to the very great inconvenience and hardship entailed on the officers of the Subordinate Service by the new scheme being held in abeyance on the one hand, and the practical suspension of their promotion under the old scheme on the other, will the Government be pleased to issue a

revised promotion list according to the old Subordinate Service scale, until the orders with regard to the new scheme have been received from the Government of India?

The Hon'ble MR. FINUCANE replied:—

"The Government of Bengal has asked the Government of India to allow the scheme which has been placed in abeyance to be resuscitated, with retrospective effect, and as the interests of officers are as far as possible being safe-guarded, no good would come of issuing a revised list according to the old Subordinate Service scale."

ALLEGED LAWLESSNESS IN BURRA BAZAR.

The Hon'ble BABU NORENDRA NATH SEN asked:—

Whether it is known to Government that, notwithstanding all that has recently been done to suppress lawlessness at Burra Bazar in Calcutta by legislative and executive measures, there still exists in that locality a band of professional ruffians, called *Gundahs*, who habitually terrorize over people; and if so, what steps, if any, it is intended to keep them under more efficient control, and stamp out the evil altogether, if possible?

The Hon'ble MR. FINUCANE replied:—

"The Commissioner of Police reports that so far as he knows there are no bands of *gundahs* in Burra Bazar at present. He has received no complaints of lawlessness or terrorism for several months back. Should there be any outbreaks of lawlessness or terrorism in Burra Bazar or elsewhere in Calcutta, Government will take prompt measures to suppress them."

PLAGUE IN CALCUTTA.

The Hon'ble BABU SURENDRANATH BANERJEE asked:—

Will the Government be pleased to make a statement with regard to the suspicious cases of plague which have recently appeared in Calcutta? Are they cases of true bubonic plague? Will the Government be pleased to lay on the table the Report of Dr. Haffkine on the subject.

[*Babu Norendra Nath Sen; Mr. Turner; Mr. Risley.*]

The Hon'ble BABU NORENDRA NATH SEN said:—

In view of the panic and alarm caused in Calcutta by the reports of several suspicious cases of plague in the City and of the exodus that has already commenced, I have the honour to enquire to what extent the Government will be prepared to mitigate the stringency of the rules in regard to the arrangements required to be made for segregation and disinfection, in the case of respectable people, especially as regards *purdah* women and children, in the event of an outbreak of the plague?

(*a*) Have any cases occurring in Calcutta been reported to Government as cases of plague?

(*b*) Has Government taken any steps to ascertain if there are or were real cases of plague? If so, what are those steps?

(*c*) Has Dr. Haffkine pronounced any opinion as to the nature of the bacilli he may have found in the blood and fluid of the glands of patients that were sent to him? Is Government aware that there are differences of medical opinion as regards the bacteriological diagnosis of plague; that the true bacillus of plague, if there is any, has not yet been positively determined; that some say it is Kitasato's bacillus, others that it is Yersin's,—which is the true plague bacillus? Others again have said that there is a third variety which is found in plague cases, and that it is yet uncertain which is the real pathogenic bacillus. Under these circumstances, would it not be premature to declare Calcutta to be a plague-stricken city? If Government had acted on the opinion of the late Health Officer of the Calcutta Corporation, Dr. Simpson, Calcutta would long ago have been declared as such. Would it have been proper to do so?

The Hon'ble MR. TURNER asked:—

Has the attention of the Government been drawn to the alleged cases of plague in Calcutta during the past week, or cases of disease resembling plague, and will the Government be pleased to state the result of the enquiries made in connection with the said cases?

The Hon'ble MR. RISLEY replied:—

"I will answer all the questions relating to plague together. The facts are as follows:—On the night of the 16th April a sudden death from fever, accom-

panied by swelling of the glands of the left groin, occurred in Kapalitola, a crowded locality near Bow Bazar. The *post-mortem* examination showed symptoms which were regarded by the Inspector-General of Civil Hospitals, the Sanitary Commissioner and the Health Officer of Calcutta as suspicious. On the other hand an experienced local practitioner considered the case to be one of septicœmic fever of a type known to him as not uncommon in Calcutta. The deceased was a native of Eastern Bengal, resident in Calcutta, and there was no evidence whatever of his having had any communication with persons coming from the areas in Bombay and the Panjab which are infected with plague. The house in which he died was thoroughly disinfected; all persons who had been in contact with him were removed to a segregation camp in Narkooldanga; and all clothes which might convey infection were burned, compensation being at once paid to their owners. Cultures were made from the important organs and were sent to Monsieur Haffkine at Bombay for bacteriological examination.

"On the following day three other persons in Kapalitola were found to be suffering from somewhat similar symptoms. One of these, a boy two years and-a-half old, has since died, and the other two are under observation. Seven other persons who had been in contact with the deceased were discharged after detention for ten days, during which time they showed no suspicious symptoms.

"A Dom who assisted at the *post-mortem* examination got accidentally pricked in the finger, and has been dangerously ill, but is now reported to be recovering.

"On the 27th April three more cases occurred in the neighbourhood of Kapalitola, one of which was fatal.

"On the 24th April four cases, of which three were fatal, occurred in Market Street and Municipal Office Street, and on the same day a man died with suspicious symptoms at 39, Ezra Street. On the 27th four more cases occurred in the same locality, two of which have proved fatal. There were three cases, one fatal, on the 28th; and two more, one of which died, occurred yesterday.

"On the 25th April a bearer in the employ of Messrs. Kilburn and Company died suddenly at 4, Fairlie Place, and on the following day a second bearer of the same firm died in Jaun Bazar.

[*Mr. Risley.*]

"On the morning of the 28th a man employed in Clive Street was admitted into the contagious ward of the Campbell Hospital with suspicious symptoms, and died the same evening.

"On the 27th April four cases were admitted into the Medical College Hospital from Phear's Lane, Chunam Gully and Champatola.

"Owing to the admitted existence in Calcutta at all times of the year of a form of fever accompanied by bubonic swellings, which on occasions proves fatal, and in view of the fact that the general death-rate of the town for the week ending the 23rd April was only 31·3 per thousand per annum as compared with 38·9, the mean death-rate of the corresponding period for the last five years, there seemed until yesterday morning to be room for doubt as to the character of the suspicious deaths which have occurred during the last fortnight. That, I fear, can now no longer be said. Monsieur Haffkine, whose authority on the subject of plague is undoubted, now reports by telegram: 'Cultivation sent from Calcutta produced typical plague involution forms. Identity with plague microbe undoubted.' The Lieutenant-Governor has conferred with all the Medical Officers of Government who have seen the suspicious cases, and they are unanimous in pronouncing them to be true plague. As I have already stated, no connexion can be traced between the persons affected, all of whom are residents of Calcutta, and any travellers who have arrived from the areas now infected in the Bombay Presidency and the Panjab. All such travellers are most carefully inspected at Chausa and Chakardharpur. Their railway tickets are punched with a peculiar mark before they leave the infected area, and persons holding such tickets are kept under observation throughout the journey and for ten days after their arrival in Calcutta. No suspicious cases have been discovered among the persons from Bombay and the Panjab who are now under observation here, and the Health Officer, after making special inquiry into the point, has been unable to trace any connection between the local cases and the arrivals from infected areas. Rats, however, have been found dead in considerable numbers in the press-room of the East Indian Railway and in godowns connected with the coasting trade with Bombay, and it is possible that the infection has been imported by these animals.

"The fact already mentioned, that the general death-rate of the town is exceptionally low, affords grounds for believing that the cases which have now

[*Mr. Risley.*]

been reported are the first which have occurred, and that if the people co-operate cordially with the Government it may be possible to prevent the disease from gaining a firm footing in the town. The possibility of plague appearing in Calcutta has long been foreseen, and a scheme for dealing with it was prepared by the Chairman of the Corporation in consultation with the Government some months ago. As part of that scheme twenty-five doctors and as many nurses were procured from England, and it was arranged that until their services were required in Calcutta they should be employed and paid by the Bombay Government. The Bombay Government has now been asked by telegram to send two doctors and two nurses at once for duty in Calcutta, and more will be called for as occasion may demand. Meanwhile from the very first as ample precautions have been taken as if the first case had been known to be a case of plague. A plague hospital and a segregation camp had already been prepared; the suspected cases were removed to the hospital, and the contact cases isolated at the camp. All houses believed to be contaminated have been disinfected as thoroughly as possible, and places in which dead rats have been found have been thoroughly cleansed.

"The measures to be adopted in dealing with an outbreak of plague are stated briefly in Chapter XVI, Report on the Plague in India, 1896, 1897, recently published by the Government of India. They are the following:—

(*a*) The prompt detection of cases by carefully enforced death registration, house-to-house visitation, and such other means as are found practicable.

(*b*) The segregation of the sick and their careful nursing and treatment in well-ventilated and sanitary hospitals.

(*c*) The segregation, after disinfection of clothing, bedding, &c., under medical supervision and in sanitary surroundings, of the persons who, by association with the sick, have been especially exposed to the risk of infection.

(*d*) The evacuation of infected houses and localities, the inmates being lodged in carefully supervised health camps.

(*e*) The thorough cleansing and disinfection of infected houses and localities before the inmates are permitted to return.

[*Mr. Risley.*]

(*f*) The enforcement of general sanitary precautions, such as extensive cleansing of dwellings, freer admissions of light and air, destruction or modification of insanitary buildings, improvement of drainage and conservancy, abatement of overcrowding, and opening out of congested localities.

"Plague Regulation No. 9 of the 10th November 1897 gives effect to these principles in Calcutta, but mitigates them in the case of the upper classes by providing in rule 46 for the formation of private hospitals and segregation camps subject to the necessary precautions.

"To these must now be added inoculation with the prophylactic virus prepared by Monsieur Haffkine in his Laboratory at Bombay. Monsieur Haffkine asserts that inoculation by this material 'prevents from 80 to 90 per cent. of deaths from plague and reduces the plague from an epidemic form to the position of a sporadic disease.' Surgeon-Major-General Harvey was deputed by the Government of India last month to Bombay specially to examine the results of M. Haffkine's inoculations. This Government asked to be informed of Dr. Harvey's conclusions, and enquired further whether, if those results were favourable, the Government of India would agree to any modification of the segregation system. The Government of India have replied that Surgeon-Major-General Harvey's report is being forwarded by post. It is stated to be generally favourable to the system of inoculation; but the Government of India consider that the inoculation of the inmates of an infected house cannot take the place of the evacuation of the house, which is essential for the purpose of disinfection. They hold that the inmates of an infected house may be given the option of being inoculated instead of being removed to an observation camp for the full period of incubation; but after inoculation it will be necessary to keep them in a segregation camp during the course of the inoculation in order that they may be properly sheltered and kept under medical surveillance. As soon as the process of inoculation is over they may be released from segregation. The Government of India also consider that the inmates of houses round an infected house may, if they submit to inoculation, be exempted from both evacuation of the houses and segregation of their inmates. These concessions do not affect the treatment of persons actually suffering from plague in uninoculated households, who must be segregated either in public or private hospitals. But now that the efficacy of the Haffkine virus has been demonstrated, the experi-

ment will be tried of exempting all families, which have been entirely inoculated prior to the occurrence of any case of plague among them, from liability to segregation. That is to say, if a member of a completely inoculated family is attacked by plague, neither he nor his family will be liable to removal to a segregation camp. This privilege will be subject to the strict proviso that any case that may occur in the family must be reported to the Health Officer within twelve hours of the patient falling ill, and that the directions of the Health Officer as to the isolation of the patient within the house and the daily disinfection of all parts of it are faithfully carried out. The Lieutenant-Governor wishes it to be distinctly understood that while on the faith of the experience in Bombay he strongly commends the method of inoculation to the people, inoculation will be pressed on no one. Every man will be left entirely free to satisfy himself of its efficacy and of the propriety of asking for it in the circumstances of his own household. Every assistance will be given to those who do apply, but the matter is left absolutely and entirely to the discretion of the people themselves.

"This Government has already recognised and given effect to the principle that all hospitals, whether Government hospitals or private caste hospitals, should be so arranged as to provide accommodation for the immediate family of the patients. It is of the first importance that the sick people should not be separated from their families. In the plans that have been drawn up for the plague hospitals now under construction the unit is the family block, which is divided into two parts communicating with each other—one for the patients and the other for the members of the family who accompany them. Each such block will be self-contained and secluded, and will be so arranged that female patients can be admitted without any violation of their *purda*. The physicians of the family will be admitted at all times, and any method of treatment that is desired may be resorted to. There can be no question that the most dangerous place for the members of an uninoculated family is the house or room in which the plague-stricken person was attacked, and that they will be far safer in the hut in which he is being treated because it is open to light and air.

"Finally, I may explain that the third question asked by the Hon'ble Babu Narendra Nath Sen is based upon a misapprehension of the scientific aspects of the subject. Only one plague bacillus is known. It was discovered almost

simultaneously and independently by Kitasato and Yersin during the Hong-Kong epidemic of 1894. Their discovery has been verified during the present epidemic in India by Monsieur Haffkine, Mr. Hankin, various Medical Officers of the Government of India, the members of the scientific missions sent to Bombay by the Governments of Germany, Austria, Russia and Egypt, and by other foreign scientific authorities. But this bacillus produces three different forms of plague—simple, septicœmic and pneumonic—according as it attacks different parts of the human system. The bacilli discovered by Dr. Simpson were not plague bacilli at all. They were common atmospheric bacilli, and Dr. Cunningham showed conclusively that they did not come from the blood of the persons supposed to be suffering from plague, but were the result of contamination by the air."

The Hon'ble THE PRESIDENT said:—"To the very clear and calm statement which has been read to you by the Hon'ble Mr. Risley, I think it is desirable that I should, on an occasion so important, add a few words of my own.

"You have heard that not till yesterday were we able to say whether the dropping cases which have occurred during the last ten days were or were not plague. It is, alas, now certain that they were plague, and, as was our duty, we have told you frankly and at once.

"But I want you to take courage, and to give courage to those whom you represent and influence.

"You know now that in a population of 800,000 people there has been only the absolutely infinitesimal occurrence of a couple of dozen cases in ten days. They are few and sporadic, and every one has been dealt with as it occurred, with the entire precautions that the plague rules require. We think, therefore, we may assume that the plague has been taken firmly and in time. We have had the immense advantage over Bombay in 1896 that we were on our guard, and that the plague had not established itself before it was recognised. It has come at a time of year which is the least advantageous to the spread of it, and in a season which, as the Hon'ble Mr. Risley has shown to you, is exceptionally healthy. There is therefore every reason to hope and believe that we shall succeed in preventing the plague from assuming an epidemic form; and in all the encouraging features of the case no sensible person will feel the smallest grounds for alarm. I am sure you will all join with me in circulating to your constituents this consoling and re-assuring character of the case.

[*The President; Mr. Turner.*]

"In another and very important matter I will ask you to give your aid in re-assuring the people. Whenever segregation is necessary, it will be carried out with the strictest regard to the feelings of human nature. No wife shall be separated from her husband, no husband from his family, and the better classes will receive every encouragement in the arrangement of private hospitals in their own compounds or in garden houses in the suburbs to which they can remove themselves and their families in case of attack. But in addition to all this mitigation of the Bombay rules, we have announced to you to-day the success of a new method. Inoculation, I repeat, will be pressed on nobody, but in this method, when once you have assured yourselves of its efficacy, lies, I am satisfied, the assurance of safety to our city. I have made a great experiment. We have intimated to you that when families have been completely inoculated, we will leave them alone, even if plague attacks a member of it. It is a risk, but a risk worth running. We accept it because we believe the inoculated patient will have the very mildest form of attack, and he will not be a material danger to his family or his neighbours.

"The policy of segregation is a painful necessity; the policy of inoculation we suggest to you is, at last, and for the first time in the great battle with plague in India, a policy of hope.

"Therefore it is, gentlemen, that I bid you be of good cheer. Our plague is meanwhile a mere tiny business, for which we have made the most careful preparations, and which we hope to keep a tiny business. But should it be otherwise, we start our battle under conditions and with methods which give us assured hopes of such a victory as has not yet been won in India.

"I am told that large numbers of people are leaving Calcutta under the apprehension that quarantine is about to be established. They may be re-assured. There is no such intention whatever."

CALCUTTA TRAMWAYS.

The Hon'ble MR. TURNER said:—

I would like to call attention to the nuisance to the public caused by the dilapidated condition of the Calcutta Tramways, and to ask if the Local Government would take action to compel the Corporation to put them in order?

[*Mr. Risley; Mr. Grimley; the President; Mr. Finucane.*]

The Hon'ble MR. RISLEY replied:—

"The question is governed by sections 13 and 18 of Bengal Act I of 1880 as regards the portion of the Tramways within the jurisdiction of the Corporation, and by section 8 of Bengal Act II of 1884 as regards the portion outside that jurisdiction. The Government has no power to compel the Corporation to put the Tramways in order."

SALT BILL.

The Hon'ble Mr. Grimley, with the leave of the Council, postponed till the next session, the following motion standing in his name, namely—"that the Bill to amend the Salt Law in Bengal be referred to a Select Committee consisting of the Hon'ble Mr. Risley, the Hon'ble Mr. Turner, the Hon'ble Babu Kali Charan Banerjee, the Hon'ble Babu Surendranath Banerjee and the Mover." He said:—

"I shall be consulting the wishes of Hon'ble Members if I ask permission to defer the consideration of this motion until the meeting of the Council in the rains. I therefore ask permission to postpone this motion."

The Hon'ble THE PRESIDENT said:—"To this course the Government has no objection. It is an important Bill, and I shall be glad if all Hon'ble Members will thoroughly consider it before the Council proceeds to discuss it."

EXTENSION OF THE POLICE ACT, V OF 1861, TO CALCUTTA AND SUBURBS.

The Hon'ble Mr. Finucane moved that the Report on the Bill to extend certain portions of the Police Act, V of 1861, to the Town and Suburbs of Calcutta be taken into consideration, and that the clauses of the Bill be considered in the form recommended by the Select Committee.

He said:—"I understand there is no opposition to the Bill, and it is therefore unnecessary for me to say anything."

The Motion was put and agreed to.

[*Mr. Finucane.*]

The Hon'ble Mr. Finucane also moved that the Bill, as amended, be passed.

He said:—"On Saturday last I asked for a postponement of the consideration of this Bill, because the Select Committee had introduced a new and important principle in the Bill, and it was necessary to obtain the sanction of the Government of India to it. That sanction has now been obtained."

The Motion was put and agreed to.

The Council adjourned *sine die.*

CALCUTTA;
The 17th June, 1898.

F. G. WIGLEY,
Offg. Asst Secy. to the Govt. of Bengal, Legislative Department.

Reg. No. 215G—300—20-6 98.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 23rd July, 1898.

Present:

The Hon'ble SIR JOHN WOODBURN, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General of Bengal.

The Hon'ble H. H. RISLEY, C.I.E.

The Hon'ble RAI DURGA GATI BANERJEA, BAHADUR, C.I.E.

The Hon'ble NAWAB BAHADUR SYUD AMEER HOSSEIN, C.I.E.

The Hon'ble M. FINUCANE, C.S.I.

The Hon'ble W. B. OLDHAM, C.I.E.

The Hon'ble R. B. BUCKLEY.

The Hon'ble C. W. BOLTON, C.S.I.

The Hon'ble SAHIBZADA MAHOMED BAKHTYAR SHAH, C.I.E.

The Hon'ble M. C. TURNER.

The Hon'ble NORENDRA NATH SEN.

The Hon'ble SALIGRAM SINGH.

The Hon'ble KALI CHARAN BANERJEE.

The Hon'ble SURENDRANATH BANERJEE.

The Hon'ble JATRA MOHAN SEN.

The Hon'ble T. W. SPINK.

The Hon'ble RAJA SHASHI SHAKHARESWAR ROY BAHADUR, of Tahirpur.

NEW MEMBER.

The Hon'ble RAJA SHASHI SHAKHARESWAR ROY BAHADUR, of Tahirpur took his seat in Council.

BACTERIOLOGICAL EXAMINATION OF SUSPECTED PLAGUE CASES.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Will the Government be pleased to state whether, with the exception of the Kapalitola case, any other case of plague has been subjected to the

bacteriological test? If so, will the Government lay on the table the results of such examination? If not, having regard to the strong differences of opinion as to the existence of the plague in Calcutta, and the fact that the bacteriological test is the only true test in these cases, and that in its absence mistakes have been committed—eleven cases having been officially eliminated from the returns after being inserted therein—will the Government be pleased to make arrangements for the regular bacteriological examination of at least a few cases every week by an experienced and competent bacteriologist?

The Hon'ble MR. RISLEY replied:—

"In addition to the Kapalitola case, eight cases of plague have been subjected to the bacteriological test by the Health Officer of Calcutta. In five of these the plague bacillus was found. The record of the experiments is technical, and no useful purpose would be served by publishing it. Thirty other cases were examined after death by the Professor of Pathology, Medical College, and the plague bacillus was traced in most of the important organs. These enquiries will be continued. In the case of living persons bacteriological examination is inadmissible, because of the danger of converting a simple bubonic attack into a septicœmic one by pricking or incising the buboes."

HOME SEGREGATION OF PLAGUE CASES.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Will the Government be pleased to state whether, out of the 176 cases of plague (*vide* Plague Returns, 13th July) which have occurred in Calcutta, there has been any case which has been traced to *contact* and whether there has been any instance in which a case of plague having occurred, it has been followed by similar cases in the same house, within the admitted incubation period? If there have been no such cases and if the plague so far during the past three months has not been found to be infectious, will the Government be pleased to direct that home segregation be allowed in accordance with indigenous customs, such as are observed in cases of small-pox, the patient being confined to a room in the house to which all access on the part of the other members is forbidden and the house itself to all intents and purposes is segregated?

The Hon'ble MR. RISLEY replied :—

"In ten instances a case of plague has been followed by similar cases in the same house. The Government is not prepared to modify the existing practice in respect of segregation."

HOME TREATMENT OF PLAGUE CASES.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether, having regard to the non-infectious character of the disease as it prevails in Calcutta, to the necessity of absolute rest in plague cases as emphasized in General Gatacre's report quoted in the margin and the danger of removing patients to a hospital, will the Government be pleased to permit patients being treated in their own houses which may not have been previously licensed on the recommendation of competent authorities or under such safeguards as it may prescribe?

"No fact in the clinical phenomena of plague remains more indelibly impressed on the mind than the extremely frequent and alarmingly sudden and unexpected death of patients, who are apparently well on the road to recovery. The pulse may be normal in frequency and force, the temperature normal for some days, and yet some slight exertion, such as sitting up prematurely in bed, may lead to fatal syncope, and nothing was found in two such cases in the heart itself to account for the result." (Page 59.)

"The success of any treatment depends on early and good nursing and keeping the patient lying down until the temperature has been normal for at least four days. The injudicious breach of this rule, namely, that the patient should not even sit up for any purpose, led to the death of twenty convalescents by syncope in spite of urgent and repeated warnings." (Page 69.)

The Hon'ble MR. RISLEY replied :—

"Under Plague Regulation No. 9 the Health Officer has discretion to deal with such cases and to grant a license at once. But if the premises require structural alterations in order to render it possible to isolate the patient in the upper storey or on the roof, it will not be possible for him to license them. People will therefore do well to apply for licenses beforehand. The instances given in my reply to Question No. 11 show that it is not correct to describe plague as non-infectious."

FISH AND MEAT DIET IN THE ALIPORE JAIL.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Will the Government be pleased to state whether it is the case that the dietary allowance of fish or meat allowed to prisoners twice a week in the

Alipore Jail has been discontinued since the 15th March last? If so, will the Government be pleased to state the reasons for discontinuing this concession?

(*b*) Having regard to the outbreak of the plague and the necessity of keeping the prisoners in a suitable condition of bodily health and strength, will the Government be pleased to direct that the dietary allowance of meat and fish twice a week should again be continued to the prisoners in the Alipore Jail?

The Hon'ble Mr. BOLTON replied:—

"Meat or fish is not included in the ordinary diet sanctioned for prisoners in this Province. It may, however, be issued in place of part of the ration of dâl under certain circumstances, viz., (*a*) when the fortnightly weighments show that an unusual proportion of the prisoners are losing weight, (*b*) when there are symptoms of scurvy among the prisoners, or (*c*) when the number of cases of dysentery is unusually large and is increasing.

"Last year on account of the prevailing scarcity a large proportion of the newly-admitted prisoners were in poor health, and it was then considered advisable in the Alipore as well as in the other Jails of the Province to issue meat or fish twice a week. In March last, Dr. Comins issued a Circular, directing the discontinuance of fish or meat in the ordinary ration, having previously satisfied himself that the general health of the prisoners was so satisfactory that any addition to the ordinary diet was no longer necessary.

"That the discontinuance of the meat or fish ration has not been followed by any bad effects is shown by the facts that the sickness and mortality in the Alipore Jail have been lower during the last six months than during the corresponding period for many years, and that the great majority of the prisoners are steadily gaining weight.

"All the prisoners in the Jail are inspected every week by the Medical Officer, and it is open to him to order an extra diet of meat, fish, milk, or other articles if he considers them necessary. This discretionary power is largely used; there are at present 67 prisoners in the Alipore Jail getting an extra allowance of fish, meat, or milk, exclusive of those in hospital.

"As the general health of the prisoners in the Alipore Jail is at present exceptionally good, there is no reason for incurring the very considerable additional expense which would be caused by the addition of meat or fish to the ordinary ration.

"It is hoped that the precautions which have been taken will guard against an outbreak of plague in the Alipore Jail."

ALLEGED DEATHS FROM STARVATION IN THE CHITTAGONG DISTRICT.

The Hon'ble BABU JATRA MOHAN SEN asked—

(*a*) Has the attention of the Government been drawn to the reports which have appeared in the *Jyoti* newspaper, published in Chittagong, regarding the prevalence of acute distress in the Chittagong district, caused by the failure of crops, the survey operations, and the recent cyclone? Is it the case, as reported in the *Jyoti* of the 14th July, that two persons, Meher Ali's daughter, living at Baraitali, and the daughter of Anwar Ali of Juldi, have actually died of starvation; and that, as also reported in the *Jyoti* of the 16th and the 23rd June, 4 cases of death by starvation have occurred at Kotpara, Bagmara, and Katharia; that further owing to the severity of the distress, one Budhni sold her child, 4 years old, for five rupees, as reported in the *Jyoti* of the 16th June, and that a man named Pitambar Dhupe of Padua (*vide* the *Jyoti* of the 9th June), no longer able to obtain food for his family, in sheer desperation murdered his wife, mother, and daughter and then attempted to commit suicide, which case is now under trial?

(*b*) Will the Government be pleased to lay on the table any report which it may have received from the Chittagong authorities in connection with the prevailing distress?

(*c*) Having regard to the severity of the crisis, will the Government be pleased to state what relief has been afforded by the local officers, and whether it is in contemplation to afford any further relief?

The Hon'ble MR. FINUCANE replied :—

"(*a*) The attention of Government was drawn to certain allegations as to the prevalence of distress in Chittagong, contained in the issue of the newspaper *Jyoti* for the 2nd June, and a report was called for from the local officers, funds being at the same time placed at their disposal for the relief of distress if necessary. The Collector reports that some of the villages in which distress is alleged to prevail lie far outside the area affected by the recent storm-wave. Enquiry was made in June, and it was found that the allegations as to the occurrence of deaths from starvation were incorrect, and in one instance were believed to have been based on the statements of a school-boy, made without any knowledge or enquiry. The village panchayets and the chaukidars denied that any deaths from starvation had occurred.

"In villages lying within the Satkania thana, in which severe distress was alleged to exist, the distribution of relief was stopped in the end of May [illegible] on the ground that it was no longer required;

work than the number who now seek employment on it. The Collector of Chittagong has recently been on tour in the areas alleged to be distressed.

"(*b*) The reports received from the Commissioner and Collector are laid on the table.

"(*c*) The measures of relief taken were described in a Resolution, dated 28th March, 1898, which was published in the Gazette of 30th idem. It is reported that of the allotment of Rs. 1,25,000 made for Land Improvement Loans during the financial year 1897-98, the sum of Rs. 9,369 remained unexpended on the 1st April, 1898. An allotment of Rs. 11,750 was at the disposal of the Commissioner of Chittagong for distribution in the shape of Land Improvement and Agricultural Loans during the present financial year. Government has no information which would lead it to suppose that that sum will be insufficient, and no applications have been received for further allotments."

No. 974C, dated Chittagong, the 2nd July, 1898.

From—G. E. MANISTY, Esq., Offg. Commissioner of the Chittagong Division,

To—The Secretary to the Government of Bengal, Revenue Department.

WITH reference to your letter No. 373T.—R. of 23rd June, 1898, forwarding copies of the *Jyoti* of 2nd June, 1898, and the *Bengalee* of 11th instant, and calling for a report as to the cases of starvation and distress mentioned in them, I have the honour to report as follows.

2. The article in the *Bengalee* is practically a translation of the *Jyote* article, and gives no other names of villages or persons. On receipt of your letter (on 25th June) I suggested to the Collector that local enquiry might be made by the Assistant Superintendent of Police, and also by Mr. Ward, Assistant Collector. Mr. Anderson had, however, previously ordered enquiry into the *Jyoti's* statement by the Police Inspector.

3. I beg to enclose copies of the Inspector's diaries of 24th and 25th June and of extracts relating to the said article from the Collector's No. 826G. of 28th June. It appears from these that there have been no deaths from starvation. The Collector does not consider the villages named as nearly so badly affected by the cyclone and storm-wave as other parts more to the south (outpost Jaldi and thana Chakaria). Indeed he says of the four villages mentioned in the *Satkania* thana that they were "far outside the track of the storm-wave" and "are not suffering from the consequences of the cyclone." This is somewhat significant, as I had, towards the end of May, induced the Collector to put a stop to what seemed to me waste of Famine Fund money in the Satkania thana. Apparently there was some connection between this and the publication of the article in the local *Jyoti*. The Assistant Engineer, Mr. J. B. Ralph, who acquired great experience in the Bombay Famine and has periodically visited and critically noticed the storm-wave area when supervising

embankment repairs in Kutubdia island since December last, has informed me that from the time of his very first visit he has never come across a single child showing the unmistakable signs of starvation. I attach great weight to his opinion, because it is absolutely independent and based on actual experience of what starvation is; besides which he has been and still is employing labour all round Kutubdia island. So early as December last he tells me he could not get enough labour locally and had to use imported labour to some extent, owing to the fact, generally told him in the locality, that the men by going elsewhere to work could get their wives and children fed gratuitously (from the Famine Fund) on the adjoining mainland in Satkania thana. I fear the prolonged distribution of gratuitous relief by the Satkania Tahsildar and his subordinates, long after the Subdivisional Officer of Cox's Bazar had said no further relief was wanted in *his* part of the submerged area, has induced people now to still try and get assistance, though not warranted by their condition.

4. The Collector is about to start on tour in the parts which he considers worse than those named in the *Jyoti*, and, if he finds any distress such as private local charity is not likely to relieve, I will report to you on the subject. I may mention that the Assistant Engineer says he can give work to many more men if they want it on the Kutubdia embankment.

5. The newspapers are returned as requested.

BENGAL POLICE.

Extract from the Diary of Inspector Protab Chandra Sen of the Chittagong B Division, dated 24th June, 1898.

Diary.	District Superintendent's remarks.
Reached Bagmara Ghat at 7 A.M., with Head-Constable Gagan Chandra De and Constable Shuk Raj. From 7½ A.M. up to 1 P.M. visited Bagmara, Badhkhola, and Palgram, and held conversations with the people of the locality, but no evidence was found to show that any man died by starvation. The people complained that they are now in great difficulty and want aid from Government. Among the crowds I found several men who recently returned from Arracan after earning money and wanted relief from Government. The panchayet of Bagmara stated that the people of his village and other neighbouring villages lying on the sea-shore suffered a great deal from cyclone; still they did not get any assistance from Government. The relief work was not done by the Police, and so I cannot say anything about the complaints. The panchayet has submitted a written petition, which I shall submit with my report, for information. I do not understand why the people did not complain before the Magistrate just after the cyclone, if they did not get any Government aid.	

BENGAL POLICE.

Diary of Inspector Protap Chandra Sen of the Chittagong B. Division, dated the 25th June 1898.

Diary.	District Superintendent's remarks.
In the morning visited Kalipore and other neighbouring villages No man died by starvation in the locality, as I was informed by the villagers, but the people told me that they want aid from Government. I saw the Sub-Registrar of Kalipore. He was a relief officer for sometime after the cyclone, and has also much local experience. He said that he has received no information about the death of any man by starvation, and no aid will be required for the labouring classes. He is also of opinion that the people of the middle and begging classes are in little difficulty now. As they do not get any assistance from their neighbours, and especially the begging class, people do not get sufficient rice now by begging. Returned to Palagram at 12 A.M., and met with one Bhairab Chandra Sikdar of Boilsori. He is a man of low birth (Malakar by caste). He is known to be a petty talukdar and money-lender. His son, Sashi Kumar Malakar, is now a student of third class, Chittagong Government School. This boy gave information to the editor of *Jyoti* (Chittagong local paper) that the people are now dying by starvation, and the editor published the same in his paper of the 2nd and 16th June 1898. The boy has gone to Chittagong, and so I could not see him. I asked the boy's father, Bhairab Shikdar, if he can prove the above allegations. He said in presence of several respectable gentlemen that he has no evidence to support the above statement, and he also gave a written petition to me stating that he cannot say if the deaths were due to any disease or to any other causes. The rumours were spread out that some men died by starvation, and so his son gave information to the editor without making any enquiry how the people met their deaths. His son believed what he heard from the people. Neither he nor his son saw them before or at the time of their deaths. I am now enquiring about all recent deaths in the locality. I have come to know from the village panchayets, chaukidars, and other people of the locality that no deaths were due to starvation. I give below the names of persons who recently died in the locality:— Ramgati of Bagmara died of chronic pain. Majhernessa, daughter of Anwarali, Kutpara, died of fever. Fakir Chand Dhupee of Kathoria died of dropsy. Almajan, daughter of Barkat Ali, Kathuria, died of fever. Tanda Mia, son of Amanali, Kathoria, died of fever. The relations of the deceased stated before the Head-Constable of Banskhali that the deaths were due to starvation, but the Head-Constable did not believe their statements. It has been proved by the village panchayats and other people that Barkat Ali has lately purchased 14 kanis of paddy lands, and Amanali is plying boat at Arracan and is selling rice and *dhân*. The conditions of the other men are not so bad. Bhairab Shikdar's son, Sashi Kumar, induced the people of the locally to report to the Police that the people were dying by starvation. The people did so with the hope of getting Government aid, and the object of Sashi in inducing the people was simply to take credit among the uneducated mass of people and specially among his tenants. * * * * * *	

[*Babu Jatra Mohan Sen.*]

Extract from the Chittagong Collector's No. 826 G., dated 28th June, 1898, to the Commissioner of the Chittagong Division.

3. Distress is said to prevail in four villages in thana Satkania, namely Sukchari, Kalanjan, Amirabad, and Padua. These villages lie far inland in a sheltered valley, were far outside the track of the storm-wave, and, if owing to the high price of rice, any of the poorer people are finding it hard to make ends meet, it is the duty of their richer neighbours to help them. At all events, I do not think that money collected for the relief of famine in foreign countries should be applied to supplement or supplant private charity in such villages. Doubtless there is hardly a village in the district where widows and orphans are not feeling the pinch of two bad seasons and consequent high prices. I would not on that account advise the spending of public money upon them. These villages are not suffering from the consequences of the cyclone.

4. Distress is also said to exist in six villages in thana Banskhali, namely Baichari, Kathoria, Bagmara, Kotpara, Manikpathan, and Cheehuria. These villages were affected by the storm-wave, though by no means to so deplorable an extent as villages further south. When the statement appeared in the *Jyoti* I directed the police to enquire and report. Unfortunately, in my absence in camp, a head-constable was told off to report—an obviously injudicious proceeding where it is to the interest of the people to have relief operations started. An Inspector is now enquiring into the alleged cases of starvation, and I am expecting his report daily.

No. 13. In only two of these villages suspension and remission of revenue has been recommended.

ALLEGED REDUCTION OF EDUCATIONAL GRANTS IN CHITTAGONG.

The Hon'ble Babu Jatra Mohan Sen asked—

(*a*) Is the Government aware that the Commissioner of the Chittagong Division has directed a considerable reduction of educational grants made by the District Board of Chittagong in respect of the middle-class English and vernacular education on the ground that such reduction is necessary to meet the charges incurred to repair the damages caused by the late cyclone? As the effect of this order, which has been or is proposed to be adopted by the District Board, will be to deal a heavy blow at the interests of education in the district, will the Government be pleased to direct a re-consideration of this order?

(*b*) Will the Government be pleased to advance money from the Provincial funds or recommend the District Board the raising of a loan to repair the damages caused by the cyclone?

The Hon'ble MR. RISLEY replied :—

"The Government has no information on the subject of the alleged reduction of educational grants in Chittagong. The powers of the Commissioner in respect of the estimates of the District Board are defined in sections 48 and 49 of the Bengal Local Self-Government Act of 1885. Under section 50 of the same Act, the District Board has power to borrow from Government or from the public subject to the provisions of the law relating to the raising of loans by local authorities."

RELAXATION OF PLAGUE REGULATIONS.

The Hon'ble BABU NORENDRA NATH SEN said—

Government is, no doubt, aware that the conservancy of Calcutta is seriously suffering from the flight of dhangars, mehters, carters, &c. In view of the danger threatened by this state of things to the health of the Town, and also in view of the suspected cases of plague being, even at the end of over three months, still of a sporadic character, and showing not the least sign of infectiousness, should not Government be pleased to further relax the plague regulations, at least in favour of these men, who are so indispensable to sanitation, in order to induce them to return to their work?

The Hon'ble MR. RISLEY replied:—

"The conservancy employés have been informed that if they are attacked by plague they will be removed to special isolation sheds. No further relaxation of the rules is necessary."

CONNECTION BETWEEN DRAINAGE AND FEVERS.

The Hon'ble BABU NORENDRA NATH SEN said—

Government is, no doubt, aware that the underground drainage system was strongly condemned as positively calculated to give rise to fevers of the most pernicious type by some of the highest medical authorities of the time (such as Drs. Mouat, Chevers, &c.), when the scheme was under consideration, and that the late Health Officer of Calcutta, Dr. Simpson, in all his reports,

used to draw serious attention to the most unsatisfactory condition into which the sewers of Calcutta had already fallen, and to the still more alarming state into which they were drifting, causing both increased humidity and contamination (with poisonous gases and liquids) of the subsoil of the Town, to which he attributed the increased prevalence of fevers of all kinds. Would it not be worth investigating how far the measures that are at present being taken by the Municipality are calculated to remove the evils complained of by Dr. Simpson, and also inquiring if the fevers now occurring in Calcutta, having some of the symptoms of plague, are not in reality malarious fever of a malignant type (such as devastated Ula, Santipore, Kalna, Burdwan, &c., more than thirty-five years ago); the sewer gases, according to medical authorities, aggravating the typhous condition, and causing enlargement of glands?

The Hon'ble MR. RISLEY replied:—

"The new drainage scheme is calculated to remove the evils complained of by Dr. Simpson. The results quoted in my reply to the Hon'ble Babu Surendranath Banerjee's first question prove that the disease referred to is true plague and not merely malarial fever of a malignant type."

CLINICAL REPORTS AND BACTERIOLOGICAL EXAMINATION IN PLAGUE CASES.

The Hon'ble BABU NORENDRA NATH SEN asked—

Will the Government be pleased to state if detailed clinical reports have been kept of the cases that have been pronounced and suspected as plague, and has any bacteriological examination been made and recorded of any other than the first case at Kapalitola, and have the microscopical specimens been preserved, so that they might at any time be seen by any expert bacteriologist?

The Hon'ble Mr. RISLEY replied:—

"Detailed clinical reports have been kept of all plague cases, and microscopic specimens have been preserved in most of the cases referred to in my answer to the Hon'ble Babu Surendranath Banerjee's Question No. I."

[*Babu Norendra Nath Sen; Mr. Risley.*]

BASIS OF DIAGNOSIS IN SUSPECTED PLAGUE CASES.

The Hon'ble BABU NORENDRA NATH SEN said—

Dr. Cook, the present Health Officer of Calcutta, has recently declared that bacteriological examination, even in undoubted cases of plague, does not give positive results. If so, on what was the diagnosis of the cases, reported as plague, based?

The Hon'ble MR. RISLEY replied:—

"The statement alleged to have been made by Dr. Cook had been imperfectly understood. What he meant was that while the discovery of the bacillus in a doubtful case would prove it to be a case of plague the fact that the bacillus was not found in an undoubted case would not prove the case not to be one of plague.

"The diagnosis of the cases reported as plague was based in the first instance on clinical symptoms, and was confirmed in thirty-five cases by bacteriological examination, and in about the same number by pathological appearances."

APPOINTMENT OF A BACTERIOLOGIST FOR CALCUTTA.

The Hon'ble BABU NORENDRA NATH SEN asked—

Will the Government be pleased to state whether a competent bacteriologist should not be employed permanently in Calcutta for making bacteriological examinations of the soil, water and air, and of specific diseases, whenever they break out?

The Hon'ble MR. RISLEY replied:—

"The question of employing a bacteriologist permanently in Calcutta is under consideration."

CONTINUANCE OF PLAGUE EXPENDITURE.

The Hon'ble BABU NORENDRA NATH SEN said—

Considering the erratic and somewhat fitful course pursued by the plague in Calcutta so far, and having regard to the smallness of the ravage done by the disease, both in seizures and mortality, and considering also that

the citizens of Calcutta have cheerfully and loyally assisted the authorities, and have established and are maintaining ward, caste, and private hospitals out of their private purse, will the Government be pleased to state if it is still necessary to keep up the present heavy plague expenditure, knowing, as we do, that it must eventually fall on the rate-payers of Calcutta, unless the Government be pleased to bear a reasonable share of it?

The Hon'ble MR. RISLEY replied :—

"In view of the possibility that plague may increase in the cold weather, it is not advisable at present to make any material reduction in the establishment employed on the prevention of plague."

DAMAGE BY FLOODS IN THE MIDNAPORE DISTRICT.

The Hon'ble BABU NORENDRA NATH SEN asked—

Will the Government be pleased to state what amount of damage has been done by the overflow of the river Cossye in the Midnapore district, and the flooding of the streams of Rupnarain and Damodar by the recent heavy rains, and how many human lives have been destroyed in consequence, and likewise what steps have been taken by the Government to afford succour and relief to the sufferers from the floods?

The Hon'ble MR. FINUCANE replied :—

"Reports have been received by Government of extensive floods in the Midnapore district caused by a sudden rise in the river Cossye between the 16th and 18th of June. Exact details of destruction of life and private property have not yet been received, but the damage done to the Government embankments in the Ghatal subdivision and to the Midnapore Canal and its distributaries is estimated at two lakhs of rupees. The Collector reports that he has been distributing relief out of money at his disposal, and Government has also intimated its readiness to furnish further funds should they be required."

[*Mr. Risley; the President.*]

PLAGUE INSPECTOR OF DACCA.

The Hon'ble MR. RISLEY gave the following reply to Question No. III asked by the Hon'ble BABU SURENDRANATH BANERJEE at the Council meeting of the 16th April, 1898 :—

"The name of the gentleman appointed as Plague Inspector of Dacca was Lomax, not Connan, as stated in my reply of the 16th April. He possessed no technical qualifications, nor were any required for the duties assigned to him. The pay of the post was Rs. 250. It has since been abolished and a Health Officer has been appointed under the Plague Regulations. The services of the Engineer Secretary were not dispensed with. He applied to the Commissioners for two years' leave without pay, and this was granted to him."

STATEMENT AS TO THE COURSE OF BUSINESS.

The Hon'ble THE PRESIDENT said:—"Gentlemen, I understand that it is the custom in this Council, at the commencement of each session, that the President should make a statement of the business before the Council. The statement on this occasion shall be a very short one. Two Bills will presently be brought forward for consideration, the object of which will be fully explained by the Hon'ble Member in charge. I may only very briefly say that the design of one of them is to shorten the language used in Bills and Acts of this Council, and the object of the other is to enable the Port Commissioners to give a higher insurance to the owners of goods conveyed by their railway to the docks. It may perhaps interest the Council if I should say, in a few words, in supplement to what has been said in answer to questions to-day, that for five consecutive days there has not been a single case of plague in Calcutta. I can only say that in these circumstances I personally regard the situation as most hopeful."

AMENDMENT OF THE CALCUTTA PORT ACT, 1890.

The Hon'ble MR. RISLEY moved for leave to introduce a Bill to amend the Calcutta Port Act, 1890, He said:—

"The necessity for this Bill, which is somewhat of a technical character, arose from a change in the system of dealing with exports for shipment which

was introduced in July, 1897. Up to that time the bulk of the exports for shipment not loaded in the stream was received in the jetties, and for every consignment of exports the shipper obtained a receipt which was treated by Steamer Companies practically equivalent to what is known as a Mate's receipt. It was expected that the goods thus delivered at the jetties would be put on board their steamers, and this receipt was accepted as sufficient to enable them to grant bills of lading on the goods, which were then negotiated in the ordinary way. When the goods had been received in the Port Commissioners' sheds the liability of the Commissioners' was, under section 112 of the existing Port Act, the liability of a bailee as defined in section 151 of the Contract Act; that is to say, they were expected to take as much care of the goods in their custody and charge as ordinarily prudent and reasonable men would take of their own property, and they were responsible only for any acts of neglect on the part of their servants which were proved against them. The goods while in the jetty sheds were insured by the shippers. In July, 1897, a great change took place. It was then ordered by the Port Commissioners as the result of a very elaborate discussion between them and the Chamber of Commerce as the representative of the mercantile community, that all exports should in future be shipped from the docks and not from the jetties. In the case of exports received direct at the docks no difficulty arose. The liability of the Port Commissioners in that case was precisely the same as it had been all along in respect of such exports when received at the jetties. But it was an essential part of the arrangement between the mercantile community and the Port Commissioners; it was a condition upon which the change was accepted as a beneficial and desirable change by the mercantile community that the Port Commissioners should accept absolute, unlimited liability for goods in transit between the jetties and the docks. It was obviously for the convenience of shippers that they should not be compelled to cart their exports all the way to the docks themselves. It was agreed, therefore, that the Port Commissioners should accept these exports at the jetties in order to ship them from the docks, and that all the while during the transit from the jetties to the docks they should accept in respect of these goods not merely the limited liability of a bailee, but absolute liability for loss by fire or any other cause. Shortly after this change was made and this undertaking given by the Port Commissioners, the question of their powers under their own Act to accept this liability was raised, and it was

held that they were not empowered to accept this liability at all; that section 112 did not enable them to go beyond the liability imposed on them as an ordinary bailee. They suggested, therefore, that the Act should be amended in order in the first place to meet this extended liability, and that was the immediate purpose of the present Bill. But Hon'ble Members to whom the Bill has been circulated will see that the amended section as it has been drafted goes a considerable way beyond what would be necessary merely for the purpose of enabling the Port Commissioners to assume full liability for goods in transit from the jetties to the docks. It enables them, with the previous sanction of the Local Government and under such circumstances and conditions as the Local Government may prescribe, to enter into agreements relating to animals or goods landed for import or received for export or for carriage by railway, which may impose upon the Commissioners a greater responsibilty than that imposed by sub-section (*1*), and every such agreement must be in writing and must be signed by or on behalf of the Port Commissioners. The reasons for going beyond the amendment necessary to meet the particular case are these: that the trade of Calcutta is developing considerably; that it is in many respects altering its channels, and it is impossible to foresee what its course may be in future. It will be exceedingly inconvenient if the trade were to take a turn which would require responsibility, other than that of an ordinary bailee, to be assumed in respect of classes of goods other than exports in transit from the jetties to the docks, and if in that case legislation had to be resorted to in a hurry. An illustration of this is the following case. Under section 113 of the Port Act, when goods are landed and notice is given to the consignee, the Port Commissioners are responsible for two clear days for whatever may happen to those goods. If within those two days the consignee does not remove the goods, he has to pay rent for storage room, and he also has to take responsibility for whatever may happen to the goods. In 1894, when the customs law had recently been changed, it was found impossible to clear goods within two clear working days, which were ordinarily accepted as what is called "free" days. The Port Commissioners, therefore, proposed to grant a third free day. Legal opinion was taken, and it was held by the Advocate-General that it was not in the power of the Commissioners to undertake the risk for a third day. This is the sort of case which this additional provision in the Bill ought to cover. Sub-sections (*2*) and (*3*) of section 112, which are proposed to be inserted in the

Port Act, have been framed so that in future the Port Commissioners may, with the previous sanction of the Local Government, and under such circumstances and conditions as it may prescribe, enter into special agreements of the kind there referred to, and every such agreement must be in writing and signed by or on behalf of the Port Commissioners. It is considered that this will be sufficient to prevent the Port Commissioners from assuming any undue liability. The opportunity has been taken to re-enact section 112 of the Port Act. That section of the present Act is imperfectly worded and is obscure, although legal authorities are understood to agree that it means merely that the Port Commissioners assume the liability of bailees under the Contract Act; but it is considered desirable to make the section perfectly clear and to refer also to the Railways Act of 1890, because the Port Commissioners act as a railway when transporting exports from the jetties to the docks, and in certain cases in sending imports from the docks to the jetties.

"I think this Bill is one which may be fairly accepted by the Council, and I understand that the commercial community are absolutely unanimous in desiring that it should be passed. The arrangements under which exports are now shipped from the docks and are excluded from the jetties was the subject of much controversy at the time, and it was accepted by the shipping interest on the strength of the promise given by the Port Commissioners that they would accept the further liability which the Bill enables them to undertake."

The Motion was put and agreed to.

The Hon'ble MR. RISLEY further said:—"In order to expedite the passing of this Bill, I have the honour to apply to the President to suspend the Rules of business for the purpose of introducing the Bill."

The Hon'ble THE PRESIDENT said:—"In a matter of this sort where we are asked to confirm an arrangement of a commercial character agreed to by all parties, I think we may safely depart from the usual procedure and reduce the proceedings by one stage. I accordingly suspend the rules of business for the purpose of introducing this Bill."

The Hon'ble MR. RISLEY then introduced the Bill and moved that it be read in Council.

The Motion was put and agreed to, and the Bill was read accordingly.

[*Sir Charles Paul.*]

BENGAL GENERAL CLAUSES BILL.

The Hon'ble SIR CHARLES PAUL moved for leave to introduce a Bill for further shortening the language used in Bengal Acts, and for other purposes. He said:—

"This Bill, is generally known as the Bengal General Clauses Act, and it indicates by its own designation its distinctive character. It defines once for all a number of expressions commonly used in the Acts of this Council. It enacts various rules of construction and common clauses, which are frequently required for interpretation in the working of legal enactments. For instance, in the 'general definitions' take the definition of 'immovable property.' The Bill says 'immovable property shall include all benefits that arise out of land and things attached to the earth or permanently fastened to anything attached to the earth.' By making a definition of immovable property, in any reference to the subject-matter which it includes, it is not necessary to name the various matters which it includes, but it will suffice to say that it includes all this. It, therefore, greatly lessens the cumbrous wording of the statute. Again, when in any Act a word in the singular is mentioned, it includes the plural; otherwise, in enacting a section, instead of only saying 'any person,' you would have to say 'any person or persons.' Take another instance. Permission is given to the Government to make rules and then to modify them, but the power once taken advantage of is gone. Rules once made, no further rules can be made, unless you add the word 'from time to time;' but under this Bill if those words are not mentioned it will be implied. If Hon'ble Members will look through this Bill, they will find a great many matters in regard to which the language of Acts will be shortened and their meaning made distinct. The reasons for this Bill are very fully stated in the Objects and Reasons: I need not, therefore, take up the time of the Council in putting other cases to illustrate the advantages to be derived from this Bill, which, however, is a Bill more or less of a formal character."

The Motion put and agreed to.

The Council adjourned to Saturday, the 30th instant.

CALCUTTA;
The 6th August, 1898.

F. G. WIGLEY,
Offg. Asst. Secretary to the Govt. of Bengal,
Legislative Department.

Reg. No. 361G—300—9-8-98.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 30th July, 1898.

Present:

The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate General of Bengal, *presiding.*

The Hon'ble H. H. RISLEY, C.I.E.

The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.

The Hon'ble NAWAB BAHADUR SYUD AMEER HOSSEIN, C.I.E.

The Hon'ble M. FINUCANE, C.S.I.

The Hon'ble W. B. OLDHAM, C.I.E.

The Hon'ble R. B. BUCKLEY.

The Hon'ble M. C. TURNER.

The Hon'ble KALI CHARAN BANERJEE.

The Hon'ble SURENDRANATH BANERJEE.

The Hon'ble JATRA MOHAN SEN.

The Hon'ble T. W. SPINK.

The Hon'ble RAJA SHASHI SHAKHARESWAR ROY BAHADUR, of Tahirpur.

LEASING OUT POUNDS.

The Hon'ble RAJA SHASHI SHAKHARESWAR ROY BAHADUR asked—

Is the Government aware that under the existing practice of leasing out pounds to the highest bidders by auction, which obtains in almost all the districts of Bengal, the cattle while thus impounded not only suffer from neglect, but are positively starved by most of the pound-keepers? Is it not a fact that the practice has also in certain places resulted in the establishment of hired agencies by the pound-keepers for the wrongful impounding of cattle to make up their losses and secure a margin of profit upon the amount paid to the District Boards at the time of auction. If, however, the sum received on account of fines and the unclaimed proceeds of the sale of the cattle be applied to the maintenance of an establishment with fixed salaries, as contemplated by section 18 of the Cattle Trespass Act and section 56 of the Bengal Local Self-Government Act, could not the wrongful impetus now given

to the pound-keepers by the auction system be materially lessened and thereby a standing source of grievance of the cultivators of Bengal removed? Will the Government therefore be pleased to institute an enquiry through the District Officers into the above and ascertain whether it is not desirable to introduce the system suggested above, which is not only compatible with the letter of the law as at present laid down, but in harmony with the spirit of the legislation referred to?

The Hon'ble MR. RISLEY replied:—

"No complaint has reached the Government of the ill-treatment of cattle by pound-keepers, nor has any instance of the employment of an agent for the wrongful impounding of cattle been brought forward. On the introduction of the Local Self-Government Act, the management of pounds was transferred to the District Boards, who have power either to let them in farm or to manage them through their own servants. In 1891 and 1892 the administration of pounds in Bengal formed the subject of a searching enquiry, and it was then shown that the discontinuance of the farming system would deprive the District Boards of net revenue amounting on a moderate estimate to between two and three lakhs of rupees; while it was doubtful whether the change would put a stop to the evils alleged to exist under the farming system. At the same time orders were issued providing for—

(*a*) the regular and systematic inspection of pounds by the officers of Government and of the District Boards;

(*b*) the grant of leases for a longer period than one year to persons of known solvency and respectability, residing in the neighbourhood of the pound leased;

(*c*) an alteration in the form of agreement, so as to define better the District Board's power of control; and lastly

(*d*) the introduction of such registers and forms of receipt as would enable a proper check to be kept over the pound-keepers, without making unduly close enquiry into the amount of the farmer's profits when the pounds are let in farm.

"Failing specific evidence of actual abuses, there do not appear to be sufficient grounds for further enquiry or for interfering with the discretion now vested in the District Boards."

[*Mr. Risley; Sir Charles Paul.*]

AMENDMENT OF THE CALCUTTA PORT ACT, 1890.

The Hon'ble MR. RISLEY moved that the Bill to amend the Calcutta Port Act, 1890, be referred to a Select Committee consisting of the Hon'ble Mr. Oldham, the Hon'ble Mr. Turner, the Hon'ble Mr. Spink and the Mover.

The Motion was put and agreed to.

BENGAL GENERAL CLAUSES BILL.

The Hon'ble SIR CHARLES PAUL introduced the Bill for further shortening the language used in Bengal Acts, and for other purposes, and moved that it be read in Council. He said:—

"Last Saturday I explained to the Council the objects and reasons for introducing this Bill. It is a very necessary and useful measure, and I trust the Council will allow the introduction of this Bill."

The Motion was put and agreed to, and the Bill was read accordingly.

The Council adjourned to Saturday, the 13th August, 1898.

CALCUTTA;
The 6th August, 1898.

F. G. WIGLEY,
Offg. Asst. Secy. to the Govt. of Bengal,
Legislative Department.

Reg. No. 362G—300—10-8-98.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 13th August, 1898.

Present:

The Hon'ble SIR JOHN WOODBURN, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.
The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General of Bengal.
The Hon'ble H. H. RISLEY, C.I.E.
The Hon'ble RAI DURGA GATI BANERJEA, BAHADUR, C.I.E.
The Hon'ble NAWAB BAHADUR SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble M. FINUCANE, C.S.I.
The Hon'ble W. B. OLDHAM, C.I.E.
The Hon'ble R. B. BUCKLEY.
The Hon'ble C. W. BOLTON, C.S.I.
The Hon'ble SAHIBZADA MAHOMED BAKHTYAR SHAH, C.I.E.
The Hon'ble M. C. TURNER.
The Hon'ble NORENDRA NATH SEN.
The Hon'ble SALIGRAM SINGH.
The Hon'ble KALI CHARAN BANERJEE.
The Hon'ble SURENDRANATH BANERJEE.
The Hon'ble JATRA MOHAN SEN.
The Hon'ble T. W. SPINK.
The Hon'ble RAJA SHASHI SHAKHARESWAR ROY BAHADUR, of Tahirpur.

PREVENTION OF ACCIDENTS FROM RIFLE PRACTICE AT DUM-DUM.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the attention of the Government been drawn to a paragraph in the *Hitabadi* of the 8th instant to the effect that the people of Kadihati, a village in the vicinity of the Dum-Dum Cantonment, have been put to serious loss and

inconvenience by reason of the rifle practice of the local soldiers, and that one Bhutnath Bagdi was shot through the leg and the children of Babu Boikanta Nath Chackravati, a local medical practitioner, narrowly escaped being shot? If the above statements are substantially correct, will the Government be pleased to take the necessary steps with a view to the prevention of such accidents?

The Hon'ble MR. BOLTON replied:—

"It has been ascertained that the statements referred to by the Hon'ble Member are substantially correct. A proposal for the re-alignment of the range so as to guard against all possibility of danger to the villagers is already under the consideration of the Military Department, and the necessity for completing the work by an early date will be brought to the notice of that Department."

RELIEF OF LOCAL BODIES FROM EXPENSES OF PLAGUE CAMPS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Is it the case that a letter has been addressed by the Government to the Accountant-General by which it is proposed to recover from the local bodies the sum of Rs. 48,392 incurred in increasing the Police force at the Mairwa and Chausa Plague Camps? If so, having regard to the financial condition of most local bodies and the difficulty which they experience in meeting their own legitimate charges and the fact that the expenditure is to be incurred in connection with the plague, which is an imperial rather than a local question, will the Government be pleased to consider the propriety of relieving the local funds of this charge?

The Hon'ble MR. RISLEY replied:—

"The order referred to has been issued under section 2, sub-section (*1*) of the Epidemic Diseases Act, which empowers the Government to determine in what manner and by whom any expenses incurred in preventing the spread of plague shall be defrayed. Such expenses are not merely a legitimate but a just charge upon the funds of local bodies, so long as they are able to bear them."

[*Babu Norendra Nath Sen; Mr. Finucane.*]

DURATION AND COST OF SETTLEMENT OPERATIONS IN ORISSA.

The Hon'ble BABU NORENDRA NATH SEN asked—

Will the Government be pleased to state how long the survey and settlement operations in Orissa have been going on, and when they are likely to come to an end, and also what they have already cost, and are likely to cost hereafter?

The Hon'ble MR. FINUCANE replied:—

"The Survey and Settlement proceedings were commenced in Orissa in the month of November, 1889, and will probably be completed within the calendar year 1899. The cost up to the end of July, 1898, has been approximately Rs. 30,50,000, and the further cost to be incurred before the proceedings are completed will probably amount to Rs. 4,50,000."

APPREHENDED SCARCITY OWING TO DEFICIENT RAINFALL.

The Hon'ble BABU NORENDRA NATH SEN said—

In view of the apprehended scarcity in several districts in these Provinces on account of deficient rainfall and disease among cattle, will the Government be pleased to give a definite idea of the agricultural outlook generally, and of the rice crop in particular?

The Hon'ble MR. FINUCANE replied:—

"The telegraphic weekly weather and crop reports received from all districts which are published in the Calcutta Gazette, give the information asked for. In the reports for the week ending August, 8th, published in the Calcutta Gazette of the 10th, it was stated that more rain was then required for the transplanting of the winter rice in some districts, and especially in parts of Bankura, Midnapore, Hooghly and Howrah, but that the prospects of the early rice and the *bhadoi* crops generally were favourable. There is at present no reason to apprehend scarcity on account of deficient rainfall or disease among cattle. A certain amount of sporadic cattle-disease is reported from some districts, but there is no indication that cattle-disease is more than usually prevalent."

[*Babu Norendra Nath Sen; Mr. Buckley.*]

RE-EXCAVATION OF KHALS.

The Hon'ble BABU NORENDRA NATH SEN asked—

Will the Government be pleased to state whether, having regard to the importance of re-excavating the *khals*, which have dried up, in the Lower Provinces, both for the purposes of sanitation and irrigation, something ought not to be done in this direction without delay, and the initiative taken by the Government in the matter, having in view specially the manifest blessing the Eden Canal has proved to those parts, through which it runs?

The Hon'ble MR. BUCKLEY replied:—

"It is a fact that certain khals in Lower Bengal have silted up from natural causes, but often where this has occurred others have opened out to take their places, and it is doubtful whether a system for a general clearance of old channels would give any beneficial result.

"Special cases have been dealt with from time to time, as their urgency has been brought to notice, such as the Buxi-Gaighatta and Protapkally khals, while the numerous channels which drain the areas of country protected by flood embankments in the Midnapore and Hooghly districts are periodically cleared.

"At this time of year the silt clearance of khals is not easily possible, but consideration will be given to any particular cases which may be brought forward.

"Schemes directed to sanitary improvements come within the provisions of the Bengal Sanitary Drainage Act, 1895, under section 3 of which the initiative must be taken by the District Board."

APPLICATION OF PUBLIC WORKS CESS TO OPENING AND MAINTENANCE OF ROADS.

The Hon'ble BABU NORENDRA NATH SEN asked—

Will the Government be pleased to state whether, having regard to the fact that the revenue, derived from the Road Cess, being wholly insufficient to meet

the purpose for which the cess is levied, a portion of the income, obtained from the Public Works Cess, ought not to be diverted towards the opening and maintenance of roads in these Provinces, as complaints in regard to roads in the interior are general?

The Hon'ble MR. RISLEY replied:—

"Out of the estimated proceeds of the Public Works Cess during the current year, a sum of Rs. 10,86,000 has already been allotted for the construction and maintenance of roads."

POLLUTION OF THE RIVER HOOGHLY.

The Hon'ble MR. RISLEY said:—"With Your Honour's permission I will take this opportunity of replying to certain questions previously asked in the years 1895, 1896 and 1897, on the subject of the alleged pollution of the Hooghly by effluxions from the mills and factories situated on the banks of the river:—

Reports by the Sanitary Commissioner and Deputy Sanitary Commissioner on the alleged pollution of the Hooghly and of the Bally Khal by the effluent of certain mills are now being printed, and will be laid on the table. The Sanitary Commissioner is of opinion, after personal investigation, that no unwholesome waste from the Titagarh Jute Mill now passes into the Hooghly. In the case of the Bally Khal, the Deputy Sanitary Commissioner shows that the water, both above and below the paper mill, is impure and unfit for drinking purposes by reason of the presence of organic matter the bulk of which comes from the drains and latrines of the Bally and Uttarpara Municipalities. A small part only consists of mill refuse, and this is of vegetable origin and is comparatively harmless."

AMENDMENT OF THE CALCUTTA PORT ACT, 1890.

The Honb'le MR. RISLEY presented the Report of the Select Committee on the Bill to amend the Calcutta Port Act, 1890, and moved that the Report be taken into consideration. He said:—

"As originally drafted, the Bill has been received with general approval by all the authorities consulted and no suggestions for its further amendment

have been made. A slight change in its form has been introduced by the Select Committee which is explained in the report. They say:—

'One of the objects which it was intended to secure was an extension of the period of the Port Commissioners' liability for goods committed to their charge from two to three clear working days. We are advised that the Bill as drawn will not meet this object, and we have accordingly added a section specifically amending section 113 of the Act by substituting 'three' for 'two.'

"It was the intention of the Port Commissioners in 1894 to grant this concession, and in practice they have been, I understand, giving that number of free days; that is to say, they have been giving a third day in addition to the two days allowed by the Act. It was ascertained that, under the law as it stands, they have no legal power to do this, and that when they did so, they could not assume the liability which it is essential they should have, and therefore the additional day which they gave would be of no use to the parties to whom they gave it. In its present form the Bill will effect all the objects which the Port Commissioners and the mercantile community desire it should effect, and I submit that it may now be passed by the Council."

The Motion was put and agreed to.

The Hon'ble MR. RISLEY also moved that the Bill, as amended by the Select Committee, be passed.

The Motion was put and agreed to.

BENGAL GENERAL CLAUSES BILL.

The Hon'ble SIR CHARLES PAUL moved that the Bill for further shortening the language used in Bengal Acts, and for other purposes, be referred to a Select Committee consisting of the Hon'ble Nawab Bahadur Syud Ameer Hossein, the Hon'ble Mr. Bolton, the Hon'ble Babu Saligram Singh and the Mover.

The Motion was put and agreed to.

The Council adjourned *sine die.*

CALCUTTA;
The 30th August, 1898.

F. G. WIGLEY,
Offg. Asst. Secy. to the Govt. of Bengal,
Legislative Department.

Reg. No. 424G—300—31-8-98.

Supplement to the Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892, on Saturday, the 13th August, 1898.

PAPERS referred to in the statement made by the Hon'ble Mr. Risley at the Meeting held on the 13th August, 1898, on the subject of the pollution of the River Hooghly.

REPORT ON THE QUESTION OF THE POLLUTION OF THE BALLY KHAL AND THE HOOGHLY.

I.—THE BALLY KHAL AND ITS WATER ABOVE THE MILLS.

I have at various times visited the khal and gone up its banks as far as about a mile or two above the mills. The alleged sources of pollution above the mills have been put down as follows:—

(*a*) *Casting corpses into the khal.*—This undoubtedly does occasionally take place; but I do not think it occurs to any great extent either in the way of human bodies or the carcases of animals being cast into the Bally khal water or in the way of the former being stacked in the channel.

(*b*) *The open-air visits by the people in its neighbourhood.*—This varies a great deal at different times in the year, owing to the fact that there are comparatively fewer people living near the khal in the months from 15th May to 15th November, during which time brick-making is practically stopped. But during the brick-making season Messrs. Bull's people employ a great many workmen in the brick-fields adjoining the khal, and there is no question about it. There is a certain amount of soiling of the ground about in these parts. But it must be remembered that during these months of brick-making there is little or no rainfall, and the khal is a tidal one, so that, as its banks are always more or less in a soft soppy condition, the actual open-air defœcation that does take place, in so far as Messrs. Bull's work-people are concerned, occurs in comparatively dry weather and some distance from the banks. Besides the brick-field labourers, there are various bustis on the banks; and if the vicinity of these be examined at any time, it will be noticed that the actual banks of the khal are much the same as with any other tidal creek with villages near. *Cæteris paribus* there should be a great deal more contamination during the brick-making season. Does an analysis of the water show this? Reference to the results of analysis in the appended table shows as follows:—Taking the water above the mills effluent in January 1897 in the full height of the brick-making season, we find, comparing the averages of five analyses in the brick-making season, and five when Bull's brick-fields are not working, that every single form of impurity, except nitrogen, as nitrates and nitrites, is greater during the brick-making season, and the albuminoid ammonia is very high at this time. For chlorine, the highest figure here is 11 parts per 100,000, or roughly about 8¼ grains per gallon taken at high tide. *While the brick-fields are not working*, the other three figures for chlorine are all relatively larger *during the brick-making season*, and the average is a

little fallacious on account of the one high observation; but the general chlorine level is so high as to lead one to suspect some special source of contamination,* inasmuch as the other impurities are not as high in proportion. It would appear, therefore, in spite of the average result, that undoubtedly the water of the khal above the mills is in a contaminated condition, and that contamination exists both in the non-working season and also in the working season, and appears to be increased during the working season. The nitrogen, as nitrites and nitrates, is very small—only about one-tenth of what may be found in tolerably good water, and the explanation seems to be that most of the contaminations are washed into the stream while yet recent or fairly recent. It is not clear that the contamination is mainly from *excreta*, and the chlorine is, I think, more probably largely from sea-water brought up by the tide. For comparison of the results of analysis for chlorine of this khal water with the Hooghly water at Konnagar (the latter made by Mr. W. R. Criper, of Messrs. D. Waldie and Company, quite independently and without any knowledge on his part of the present enquiry) will show that this is quite a feasible explanation, especially having regard to the fact that there is more tendency to stagnation in the winding khal than in the broad Hooghly, and that Bally is some three miles lower down the river and nearer the sea than Konnagar. Having regard, then, to the fact that the khal is washed out twice a day by the Hooghly water, it is not surprising that there should be a large amount of chlorine in it. And if we examine the figures for chlorine in the khal *above the mills*, we find that they vary from 0·05 to 11·0, *i.e.*, as 1 to 22, while, if we examine this further, we find that the variations in chlorine in the Hooghly for over three years* are so great that the only explanation of the variations in the khal being so great as 1—22 is that they depend on those in the river, and to some unknown degree they will be affected by the fact that some chlorine passes into the khal water in the effluent from the Bally Paper Mills; but this will be unequal and a varying factor, because some only and not all of it is carried up the khal by the in-coming tide; but having regard to the high figures for albuminoid ammonia it would be perhaps safe to presume that some appreciable proportion of the chlorine is also due to animal contamination—probably fœcal matter, and urine.

* *Vide infra.*

* *Vide* tables attached

Having regard to these facts, I should say that the water half a mile up the khal above the mills is distinctly a contaminated water, and contaminated largely by animal refuse and animal excreta.

(c) *Jute-steeping is an alleged cause of pollution* of the water above the mill. But jute-steeping is not done, and *cannot* be done, in tidal creeks, and it is not done up the Bally khal as far as I can find out. Further, jute-steeping is only done from about the end of August to the end of November (but here I am open to correction). Anyway it is not done all the year round, and this I think we may dispose of as of no practical consequence, as there is no trace of any result of it—even if done—in any of the analyses made. What applies to the khal in its upper reaches applies to contaminations reaching it through its feeders. So that to sum up, we may say that there is evidence above the mills of distinct contamination of the khal water by animal refuse, and probably as a result of the habits of the people on its banks, but also probably attributable largely to the brick-makers.

II.—THE BALLY KHAL WATER BELOW THE OUTLET OF THE MILLS.

It is an old complaint that the Bally mills make the khal water undrinkable, and certainly a casual inspection supports this idea, and the fact that the brown discolouration due to the effluent of the Paper Mills reaches at times far down the khal with the ebb tide carrying it down is no doubt a very strong argument. Then, again, there are the Bone Mills which only take up a certain amount of water for their engines and have no effluent, and lastly there are the latrines of the two mills, both latrines on the banks, but neither of them draining into the khal and both well kept and tended by their respective Municipalities. It is true that at one time the Bone Mills built a wall which directed the stream against the Paper Mills banks of the khal, and ended by the Paper Mills latrine being undermined and falling bodily into the khal. But that is now ancient history, and the latrines are in good order and satisfactory. Practically, then, the only sources of contamination worth considering are the effluents from the Bally Mill and possible contamination from the Bally and Uttarpara Municipalities. Now this mill's effluent contains varying quantities of materials derived from the chemicals used in paper manufacture and refuse from the grass used in making the pulp. The main chemicals used are alumina ferric, caustic soda, lime, country ochre, bleaching powder and resin. The result of analysis is practically all one has as a guide, and the appended table of 15 analyses speaks for itself and declares clearly that the water below the mills is undoubtedly considerably more contaminated than that above them. Free ammonia and nitrogen as nitrites and nitrates are the only items in which the water below the mills is poorer, and this is rather to be expected than otherwise. To take the contaminations *seriatim*—

1. *Total solids.*—These are greater, and are probably partly from solid matters from the mills and partly in a much greater degree from their being probably a larger amount of silt of all kinds in the water the nearer one gets to the mouth of the khal.

2. *Chlorine.*—Here the difference in the general average is probably derived in the main from the two figures, 6·5 and 13 0, and this excess is due to the presence of a larger amount of sea-water from the tides in the Hooghly, because the differences in the other individual observations are not nearly in the same proportion. Of course a proportion of the excess must be due to the chlorine passing in in the mill's effluent, but that, I think, is a very small proportion, and not amounting to 0·81 parts per 100,000, and it is also possible that some of it is due to the mills employés urinating on the banks, and this latter offence, although severely punished in the Paper Mills, is, I fancy, of more frequent occurrence than is supposed.

3. The free ammonia may be disregarded.

4. The albuminoid ammonia is in marked excess below the mills, the difference amounting to 0·0154 parts per 100,000, which is certainly a largely increased contamination. But a portion of this is, if I mistake not, due to the fact that a portion of the municipal drainage from Uttarpara passes into the khal by a large drain which passes in through the Bone Mills premises, while a portion of Bally also drains into the khal just above the foot-bridge.

5. The nitrites and nitrates may be disregarded as being altogether in such small quantity.

III.—CONCLUSIONS.

To sum up. The water below the mills is certainly more contaminated than above them.

Who is responsible for this? The Paper Mills or the Bone Mills or the Uttarpara and Bally Municipalities?

1. The Paper Mills effluent consists mainly of a thick brown liquid from the boiler-house, and is the refuse from boiling grass (for paper pulp) with caustic soda, and it contains mainly soda, silicates of sorts, and resin, and a certain proportion of grass fragments. Added to this is some refuse from the Paper Mills chemical-house. In this chemical-house the only materials used are bleaching powder, Sutna lime, caustic soda and country ochre.* The refuse washings from the chemical-house contain certain quantities of these chemicals, but not much, as they are all very valuable in the manufacture of paper, and every effort is made to prevent waste. There is therefore nothing in all this that would give nitrogen for albuminoid ammonia. The total intake of water of the mills is put down by Mr. Munro at 1,750,000 gallons, and Mr. MacHattie, the present manager, gave me to understand that the old mills gives off about 300,000 gallons of effluent, and if the new mill gives off more even, let us allow 750,000 gallons daily for effluent from boiler-houses and chemical-houses, and we get some $\frac{750,000}{6{\cdot}23}$ = 12,070·6 cubic feet of effluent, which is poured into the khal not at once, but by degrees and mostly at night. A great part goes into the Hooghly at once when let out at night; the rest is carried up and down the khal for all the way the tide can take it, *i.e.*, for about 10,500 feet (two miles) of its extent. This entails an enormous amount of dilution, especially when we consider that the tidal rise in the khal is one of from 5 to 12 feet, and the extent to which this may be regarded as a nuisance is a matter of opinion one way or the other. It does not in itself appear to me to constitute a serious danger to health, and in any case it does not account for the amount of albuminoid ammonia in the water below the mills which appears as the result of analysis.

* The alumina ferric mentioned already is used in the settling tanks to clear the water drawn from the khal before it is used in manufacture.
J. C. V.

2. The Bone Mills have no effluent except the water from their engine-house; but a few boat-loads of bones come up the khal, and I have no doubt some bones drop into the water, but not many. I have visited the Bone Mills in all three times now, and I cannot say I think that they are responsible for the increase in albuminoid ammonia below the mills.

3. The Uttarpara Municipality inspection will show that there are at least four drains of considerable magnitude which drain into the khal. One of these drains a large part of the Municipality lying adjacent to the Bone Mills, and several privies are situated very close to it. This drain goes right into the khal, and passes into it through the Bone Mills premises. A second and a third drain parts of the Municipality between the Bone Mills and the foot-bridge, and pour their contents into the lagoons in the brick-fields below the mills and between the foot-bridge. These lagoons communicate *directly* with the khal. A fourth drain comes along the east side of the road leading from the foot-bridge to the municipal office, and

empties into two filthy *dobas* behind the post office. On the banks of these are latrines, and the overflow from these *dobas* goes directly into the khal just below the foot-bridge by a channel some 25 yards long, and on the bank of the channel is another latrine, and a big house-drain also opens straight into it. Further, there are two latrines at least in the brick-fields below the mills, and *these are placed absolutely on the water's edge* and about 200 yards apart, being respectively some 200 and 400 yards below the mills. Opposite the lower of these two latrines a large drain from the Bally Municipality pours into the khal, and a little way within the Bally Municipality boundary there is a latrine on the bank next the water and just above the foot-bridge. So that we have above the foot-bridge one large drain from Uttarpara going into the khal *through* the mills; between the mills and the foot-bridge *from Uttarpara* two latrines *on the bank* and two large drains from the Municipality. *From Bally* one latrine and one very large drain which, I know, drains a very large part of Bally, and below the foot-bridge a large drain from Uttarpara. These sources of contamination are all fairly close to the place below the mills from which the samples of water were drawn. As there is very little of the khal from below the mills to the river, the in-coming tide must take all this filth well up the khal, and we naturally have it most evident below the mills. It would appear, therefore, that the most serious contamination, which is evidenced by the albuminoid ammonia, is probably from municipal latrines on the banks and municipal drains opening into the khal below the mills.

So much then for the contamination of the water below the mills and the share taken in producing this contamination by the two mills and the two municipalities.

Now from what point of view are we to look at the contamination of the khal water, and how is it to be remedied? Undoubtedly the most dangerous contamination is from the excreta, &c., from the drains and latrines and from open-air visits. Albuminoid ammonia in such very large amount as 0·504 in water, which is only some 400 yards from the river and gets the full benefit of tidal scourings, shows how very great the contamination from these sources is, and besides this contamination, the boiler-house liquid from the mills would appear to be no more harmful than so much coffee or chocolate infusion. This boiler-house liquid is very valuable, and the mills are now putting up a considerable amount of plant by which the whole of the boiler-house liquid will be utilized *in* the mill. As it is, there are two large cinerators at work, evaporating it down, and the resulting sludge is burned down to recover the soda as ash, and in this way a very large saving in expenditure is effected. There are times, no doubt, when this brown liquid from the mills going down the khal is felt to be a nuisance, but the samples I have taken and which others have taken were drawn when it was flowing into the khal.

I do not understand that I am called upon in this report to state more than the facts and the deduction to be drawn from them. I have myself been so struck with the chlorine results in the khal above and below the mills as detailed in the first part of this report that I was led to enquire into the condition of the Hooghly water itself, and that on the ground that the khal is twice a day scoured out, filled and emptied by the Hooghly water.

For my figures I am indebted to the kindness of Mr. W. R. Criper, of Messrs. D. Waldie and Company, who very generously placed all his observations at my disposal. A careful study of chlorine variations in the Hooghly will, I fear, tend very much to shake one's faith in any conclusion declaring the mills really responsible for the chlorine variations in the khal water. For the rest, the khal water is already contaminated a long way above the mills (especially as shown in the observation at the bund near the Patibagan marked non-tidal in the table, and No. 5 of 27th January 1897 in the Chemical Examiner's analyses attached), and contaminated perhaps to a dangerous extent. Whatever dangers to health may arise from the use of the khal water by the inhabitants of Bally exist already above the mills in the upper reaches of the khal, and the undoubted fact that these dangers are largely increased in the khal water below the mills is, in my opinion, due not to the mills themselves in any appreciable degree, but to the existing arrangement of latrines and drainage, not only in the Bally Municipality itself, but also in the neighbouring Municipality of Uttarpara across the water.

J. C. S. VAUGHAN, SURGN.-CAPT.,
Deputy Sanitary Commissioner, Western Bengal Circle.

CAMP CALCUTTA,
The 22nd June 1898.

Table showing summary of analyses of the Bally Khal water above and below the Mills carried out by the Chemical Examin to Government.

Date.	Tide.	Total solids—		Chlorine—		Free ammonia—		Albuminoid ammonia—		Nitrogen—		Remarks
		Above the mills.	Below the mills.	Above the mills.	Below the mills.	Above the mills.	Below the mills.	Above the mills.	Below the mills.	Above the mills.	Below the mills.	
1	2	3	4	5	6	7	8	9	10	11	12	13
Brick-making season. 27th January 1897 ...	High ...	26·0	20·0	1·8	1·3	·008	·008	·02	·0104	·04	·03	
27th " " ...	Slack ...	22·0	20·0	1·5	1·4	·008	·0104	·024	·08	·04	·04	
27th " " ...	Low ...	60·0	136·1	1·8	6·5	·004	·008	·100	·200	·03	·03	
27th " " ...	Non-tidal	44·4	.....	3·8*	...	·02	.....	·06	.....	·04	.....	
Average for the brick-making season.	.....	38·1	58·66	2·08	3·06	·010	·0088	·051	·0968	·04	0·3	* Probably a good of sodium and co chlorides from water before b built, and also bably a good dea contamination urine. J. C.
Non-brick-making season. 25th September 1897...	High ...	10·6	14·8	·5	0·6	·008	0·0072	·016	·0104	·04	·04	There are four ples as yet with Chemical Exami These were take the middle of J and the results not yet been ceived, but ca submitted in a plementary table. J. C.
25th " " ...	Slack ...	14·3	12·8	·7	·6	·008	·012	·024	·012	·04	·04	
25th " " ...	Low ...	10·0	14·0	·6	·8	·0112	·0104	·024	·028	·04	·04	
26th May 1898 ...	High ...	43·8	46·0	11·0	13·0	·02	·012	·016	·012	·04	·04	
Average for the non-brick-making season.	.....	19·7	22·0	3·2	4·0	·0118	·0104	·020	·0156	·04	·04	
General average ...	.....	28·9	37·37	2·64	3·45	·0109	·0097	·035	·0504	·04	·035	

Results of estimations of chlorine in the Hooghly water, off Messrs. D. Waldie's pier at Konnagar, made by R. W. Criper, Esq., of Messrs. D. Waldie & Co.

(From 1st January 1897 to 15th June 1898.)

Date.	Chlorine, grains per gallon.	Average for the month.	Rainfall.	Remarks.
1	2	3	4	5
15th January 1897 ...	0·88	.....	.....	
18th " " ...	0·76	.....	.....	
22nd " " ...	0·876	.....	.....	
25th " " ...	0·652	.....	.....	
		0·7		
5th February " ...	0·953	.....	6 to 6·45	
8th " " ...	1·24	.....	.....	
9th " " ...	.....	.....	0·005	
11th " " ...	.....	.....	0·68	
12th " " ...	1·54	.....	.....	
13th " " ...	.....	.....	0·005	
15th " " ...	1·63	.....	0·035	
16th " " ...	.....	.....	0·140	
17th " " ...	.....	.....	0·10	
19th " " ...	1·36	.....	.....	
22nd " " ...	0·956	.....	.....	
27th " " ...	1·35	.....	.....	
		1·2		
1st March " ...	1·24	.....	.....	
5th " " ...	1·63	.....	.....	
8th " " ...	1·36	.....	.....	
15th " " ...	2·28	.....	.....	
22nd " " ...	14·91	.....	.....	
23rd " " ...	.....	.....	0·18	
24th " " ...	.....	.....	0·25	
28th " " ...	.....	.....	0·88	
29th " " ...	8·43	.....	.....	
		4·9		
2nd April " ...	.....	.....	0·05	
4th " " ...	.....	.....	0·12	
5th " " ...	3·25	.....	.....	
6th " " ...	.....	.....	0·03	
12th " " ...	7·25	.....	.....	
19th " " ...	17·25	.....	.....	
20th " " ...	.....	.....	0·51	
21st " " ...	.....	.....	0·18	
29th " " ...	.....	.....	0·5	
		9·2		
2nd May 1897 ...	.....	.....	} 1·84	
3rd " " ...	9·52	.....		
4th " " ...	.....	.....	0·10	

DATE.	Chlorine, grains per gallon.	Average for the month.	Rainfall.	REMARKS.
1	2	3	4	5
6th May 1897 ...	.....	.....	0·91	
8th " " ...	.....	.....	0·030	
10th " " ...	14·91	.....	.....	
19th " " ...	.....	.....	0·7	
20th " " ...	45·227	.....	.....	
22nd " " ...	L. 25·844 and H 35 784	.....	0·06	
24th " " ...	.....	.....	0 06	
25th " " ...	24·85	.....	.....	
28th " " ...	.....	.....	0·83	
30th " " ...	.....	.....	0 25	
		26·0		
2nd June " ...	.....	.....	1·43	
5th " " ..	.....	.....	0·19	
7th " " ...	17·395	.....	.....	
12th " " ...	.....	.....	0·44	
13th " " ...	.....	.....	1·74	
14th " " ...	15·4	.....		
16th " " ...	.....	.....	0·54	
17th " " ...	.....	.....	0 26	
18th " " ...	.....	.....	1·36	
19th " " ...	.....	.....	0·66	
20th " " ...	.....	.....		
22nd " " ...	6·461	.....	0·04	
23rd " " ...	.....	.....	2·25	
25th " " ...	.....	.....	0·01	
26th " " ...	.....	.....	1·54	
27th " " ...	.....	.....	2 28	
28th " " ...	.....	.....	0·25	
29th " " ...	4·728	.....	.....	
		10·9		
5th July " ...	1·0934	.....	.....	
6th " " ...	.....	.....	0·16	
8th " " ...	.....	.....	0·05	
9th " " ...	.....	.....	0·025	
10th " " ...	.....	.....	0·84	
11th " " ...	.....	.....	1·65	
12th " " ...	1·1928	.....		
13th " " ...	.....	.....	1·05	
14th " " ...	.....	.....	0·8	
15th " " ...	.....	.....	2·5	
16th " " ...	.....	.....	0 4	
17th " " ...	.....	.....	0·06	
18th " " ...	.....	.....	0·17	
19th " " ...	1·2425	.....	0·05	
20th " " ...	.....	.....	0·07	

Date.	Chlorine, grains per gallon.	Average for the month.	Rainfall.	Remarks.
1	2	3	4	5
23rd July 1897 ...	.....	.....	0·01	
26th " " ...	1·094	.....	.....	
29th " " ...	.....	.....	0·22	
30th " " ...	.....	.....	0 11	
		1·1		
1st August " ...	.....	.....	3 1	
2nd " " ...	0·7455	.....	0·7	
3rd " " ..	.....	.....	10 0	
4th " " ...	.....	.....	3·0	
5th " " ...	.....	.....	0·31	
6th " " ...	.....	.....	0·03	
7th " " ...	.....	.....	0·02	
8th " " ...	.....	.....	0 51	
9th " " ...	0·994	.....	0·15	
10th " " ...	.....	.....	0·07	
12th " " ...	.....	.....	0·2	
13th " " ...	.....	.....	0·22	
14th " " .	.....	.....	0·03	
15th " " ...	.....	.....	0·43	
16th " " ...	0·874	.....	1·0	
17th " " ...	.....	.....	0·02	
18th " " ...	.....	.....	0·38	
19th " " ...	...	.....	0·8	
20th " " ...	.....	.....	0·36	
21st " " ...	.....	.....	1·15	
22nd " " .	...	.....	1·48	
23rd " " ...	0·745	.....	0·42	
25th " " ...	.....	...	0·05	
26th " " ...	.....	.....	0·08	
30th " " ...	0·746	.....	0·005	
31st " " ...	.....	.....	0·05	
		·82		
2nd September " ...	.....	.....	0·05	
3rd " " ...	.....	.....	0·05	
4th " " ...	.....	.....	0·45	
5th " " ...	...	.....	0·29	
6th " " ...	1·25	.....	0·01	
7th " " ...	.....	.....	0·34	
8th " " ...	.....	.....	0·02	
10th " " ...	.....	.....	0·17	
13th " " ...	0·946	...	0·78	
15th " " ...	.....	.....	0·25	
16th " " ...	.....	.....	1·40	
17th " " ...	.....	.....	0·5	
18th " " ...	.....	.....	Rain, but not taken.	

DATE.	Chlorine, grains per gallon.	Average for the month.	Rainfall.	REMARKS.
1	2	3	4	5
19th September 1897...	.....	.....	0·01	
20th " " ...	0 872	.....	0·56	
21st " " ...	.....	.....	0·17	
22nd " " ...	.....	.....	0·18	
24th " " ...	.....	.....	0·09	
25th " " ...	.....	.....	0·08	
		1·02		
15th October " ...	Not taken ...	.....	0·20	
18th " " ..			1·60	
20th " " ...			0·28	
23rd " " ...			0·11	
November " ...	Ditto	.....	Rain not measurable.	
December " ...	Ditto	.....	Nil	
3rd January 1898 ...	1·043	.....	.....	
7th " " ...	1·068	.....	.....	
10th " " .	0·9194	.....	.....	
17th " " ...	0·894	.....	.....	
24th " " ...	1·192	.....	.....	
26th " " ...	.....	.....	0·5	
31st " " ...	1·210	.....	.....	
		1·05		
7th February " ..	H. T.—0·994	.....	.....	
11th " " ...	.....	.....	Trace.	
14th " " ...	H. T.—1 242	.....	.....	
26th " "	H. T.—1·2638 L. T.—1·4516	1·23	.....	
5th March "	H. T.—1·2425 L. T.—1·6898	.....	.....	
12th " "	H. T.—1·7395 L. T.—1·1928	.....	.....	
19th " "	H. T.—1·6401 L. T.—1·491	.....	.....	
26th " "	H. T.—2·85 L. T.—1·88	.....	.....	
29th " " ...	.....	1·71	0·09	
2nd April "	H. T.—1·78 L. T.—1·39	.....	.....	
9th " "	H. T.—3·97 L. T.—2·23	.....	.....	
12th " " ...	.....	.....	Trace.	
16th " "	H. T.—4·29 L. T.—2·85	.....	0·4	
17th " " ...	.....	.....	0 2	
18th " " ...	.....	.....	0·5	
23rd " "	H. T.—4·54 L. T.—2·83	.....	.....	

Date.	Chlorine, grains per gallon.	Average for the month.	Rainfall.	Remarks.
1	2	3	4	5
29th April 1898	H. T.— 5·66 L. T.— 3·62	.....	.....	
		3·31	.....	
5th May " ...	.....	.....	Trace.	
6th " " ...	.....	.....	Do.	
7th " "	H. T.— 8·2 L. T.— 3·72	.....	Do.	
8th " " ...	.....	.....	0·7	
9th " " ...	.....	.....	1·56	
11th " " ...	.....	.....	0·02	
12th " " ...	.....	.....	Trace.	
13th " " ...	.....	.....	0·18	
14th " "	H. T.—12·17 L. T.— 9·44	.....	0·9	
21st " "	H. T.— 6·46 L. T.— 4·22	.....	Trace.	
22nd " " ...	.	.....	Do.	
23rd " " ...	.....	.....	Do.	
24th, 25th and 26th May " ...	.....	.....	Do.	
28th " "	H. T.— 8·94 L. T.— 5·21	.....	0·75	
27th " " ...	.....	.....	0·35	
29th " " ...	.....	.....	Trace.	
30th " " ...	.....	7·29	Do.	
1st June " ...	.....	.....	0·72	
2nd " " ...	.....	.....	Trace.	
4th " "	H T.— 4·47 L. T.— 2·73	.....	.....	
6th " " ...	.....	.....	Trace.	
7th " " ...	.....	.....	Do.	
8th and 9th June " ...	.....	.....	Do.	
10th " " ...	.....	.....	0·1	
11th " "	H. T.—11·67 L. T.—5·96	.....	0·47	
12th " " ...	.....	.....	0·02	
14th " " ..	.....	.....	0·25	
15th " " ...	.....	6·20	0·54	

N.B.—H. T.=High tide and L. T.= Low tide.

No. 4267, dated Calcutta, the August 1898.

From—SURGEON-MAJOR H. J. DYSON, F.R.C.S., Sanitary Commissioner for Bengal,
To—The Secretary to the Government of Bengal, Municipal Department.

IN compliance with the request contained in Government order No. 4893S., dated the 10th instant, received yesterday, I proceeded at once to Tittaghur to enquire into the alleged pollution of the river Hooghly by the jute mill which has recently been established there. The mill in question is apparently the Standard Jute Company's mill, of which Messrs. Bird and Company, of Calcutta, are the Agents. There is at present no discharge of "waste" from the mill into the river. Last year refuse was discharged into the Hooghly; but as soon as the practice was complained of, it was, I am informed, stopped. The waste is now mixed with cinders and used for filling up spoil pits along the railway, which connects the mill with the Tittaghur railway station. This is not a nuisance to any body. There is also a bamboo and mat palisade along a portion of the foreshore of the mill which has been cut away by the river. Into this space some portion of the refuse from the mill is also thrown, but it does not and cannot pass into the river. I noticed no discolouration of the water in the vicinity. Two pucca drains connect the mill with the river. These are used for the carrying away of storm-water only from the mill premises and hot water from the mill engines. This instead of being a nuisance is an advantage, for it acts as a sterilizer. I am of opinion, after careful personal investigation, that no unwholesome waste from the Standard Jute Mill now passes into the river Hooghly.

CALCUTTA;
the 3rd October, 1898.

F. G. WIGLEY,
Offg. Assistant Secretary to the Govt. of Bengal,
Legislative Department.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 12th November, 1898.

Present:

The Hon'ble SIR JOHN WOODBURN, K.C.S.I., Lieutenant-Governor of Bengal, *presiding.*
The Hon'ble RAI DURGA GATI BANERJEA, BAHADUR, C.I.E.
The Hon'ble NAWAB BAHADUR SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble W. B. OLDHAM, C.I.E.
The Hon'ble W. H. GRIMLEY.
The Hon'ble C. W. BOLTON, C.S.I.
The Hon'ble E. N. BAKER.
The Hon'ble SAHIBZADA MAHOMED BAKHTYAR SHAH, C.I.E.
The Hon'ble M. C. TURNER.
The Hon'ble NORENDRA NATH SEN.
The Hon'ble SURENDRANATH BANERJEE.
The Hon'ble T. W. SPINK.

NEW MEMBER.

The Hon'ble MR. BAKER took his seat in Council.

APPOINTMENT OF A MEMBER OF THE PROVINCIAL SERVICE TO A DISTRICT MAGISTRACY.

The Hon'ble BABU SURENDRANATH BANERJEE said—

I have the honour to call the attention of the Government to the fact that since the death of Mr. Umesh Chunder Batabyal, late Magistrate and Collector of Bogra, who was a member of the Provincial Service, no member of that Service has been appointed to a District Magistracy. Will the Government be pleased to consider the propriety of appointing a member of the Provincial Service to such an appointment, especially in view of the consideration adverted to in the letter of the Government of India, No. 285, dated the 30th April 1895, viz., that the claims of members of the Indian Civil Service of

1883 and 1884 for vacancies among Magistrates and Collectors and Judges have now been fully considered, and the time, therefore, has come to consider the claims of members of the Provincial Service for such appointments?

The Hon'ble MR. BOLTON replied:—

"As was explained to the Hon'ble Member in Council on the 20th of March last year, the notification of this Government published in the *Calcutta Gazette* of the 5th April 1893, declaring certain 'listed' appointments (of which four are Collectorships and six District Judgeships) open to members of the Provincial Service, including Statutory Civilians, was subject to the restrictions imposed by the Resolution of the Government of India, No. $\frac{9\text{-Public}}{1892}$, dated the 21st April, 1892. That Resolution laid down that the appointment of members of the Provincial Service to these posts should be subject to the prior right to promotion of members of the Indian Civil Service appointed in the several years in which recruitment was reduced by one-sixth in order to allow of vacancies being filled up by members of the Provincial Service. In accordance with these orders six District Judgeships and Collectorships are now held by Statutory Civilians, all the Indian Civilians appointed in or before 1886 having received similar promotion to the rank of District Judge or Collector. The vacancy caused by the death of Mr. Batabyal could not be given to the Provincial Service, because the Civilians recruited in 1887 have yet to receive promotion; and until they have all been promoted another District Judgeship or Collectorship will not become available for a member of the Provincial Service.

"When the Government of India wrote their letter of the 30th April 1895, only two of the listed appointments had been appropriated, and both were held by Statutory Civilians. Since that date four more appointments have been so appropriated. The six appointments are now held by Mr. Nanda Krishna Bose, Kumar Gopendra Krishna Deb and Messrs. Ambika Charan Sen, Syed Nurul Huda, Brojendra Kumar Seal and Surjya Kumar Agasti."

MR. AMBLER'S CASE.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the attention of the Government been called to the case which has recently been decided in which one Mr. Ambler was committed to the Court

of Sessions on a charge under section 304, Indian Penal Code, of culpable homicide not amounting to murder and other charges, he having, it is alleged, caused the death of one Jagdeo Tewari? Is the Government aware that the decision and the proceedings in connection with that case have caused general dissatisfaction among the Indian section of the community?

Is it the case (1) that, contrary to law, Mr. Ambler was tried by the Sessions Court, although, the committal being under section 304, Indian Penal Code, he should have been tried by the High Court, which was thus irregularly deprived of its jurisdiction in the case; (2) that the Jury consisted exclusively of three Europeans, all of whom were members of his own Club, one of them being the Honorary Secretary of the Club, and that, in the first instance, they refused to bring in a verdict of guilty under a charge of assault under provocation, even though the prisoner had pleaded guilty to it; and (3) that, contrary to the express provisions of the law, the accused was enlarged on bail by the Committing Magistrate, who possesses no such power, the committal being in respect of a non-bailable offence triable exclusively by a Court of Sessions, the Sessions Court alone in such a case having the power of granting or refusing bail?

Whether, having regard to all these irregularities, which are sufficiently grave in their character, the Government will be pleased to call for the papers and the records of the case and consult the Law Officers of the Crown and take such action as the justice of the case may demand?

The Hon'ble MR. BOLTON replied:—

"The attention of the Government was attracted to the case referred to by the Hon'ble Member, and acting under instructions, the Legal Remembrancer has already taken steps to have a motion presented to the High Court in the matter. Under the circumstances it is not desirable to enter into the points of law raised in the question."

SCARCITY IN THE DISTRICT OF KHULNA.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Is the Government aware that the district of Khulna suffered from scarcity for three consecutive years preceding the famine of 1896-97, and that

there has been a steady deterioration in the productive quality of the soil which has been ascribed by Mr. Westmacott, late Commissioner of the Presidency Division, to the incursions of salt water, which, if not checked, might bring on a recurrence of distress in future years? Will the Government be pleased to state what action, if any, it has taken to improve the tracts which suffered from distress; and will the Government lay on the table all the papers and correspondence on the subject?

The Hon'ble MR. BOLTON replied :—

"It is not correct to say that the district of Khulna suffered from scarcity for three consecutive years preceding the famine of 1896-97. The winter rice is the main staple of the people, who are mostly agriculturists. The winter rice crop of 1893-94 was reported to have exceeded the average in the Sadar subdivision and to have been but little below it elsewhere. In the succeeding year the crop was an excellent one and the outturn estimated at 17 annas, while, although the yield during 1895-96 was less, the material condition of the people was not seriously affected. The physical features of the district render it peculiarly liable to damage from salt water. The occurrence of a cyclone in October 1895 drove the salt water over a larger extent of land than usual in the Satkhira subdivision, and the famine of 1896-97 was largely due to the fact that the short rainfall was insufficient to wash out the saline deposits from the soil. In that year, however, the affected area amounted to 474 square miles only, out of a total area of the district of 2,077 square miles. The country is mainly dependent for its protection upon bandhs. These have been permitted by the local zamindars and raiyats to get out of repair, with the consequence that the salt water percolates through to the gradual deterioration of the soil. In January 1895 Sir Alexander Mackenzie addressed a circular to the leading landowners, many of whom are unfortunately absentees, impressing upon them that they could best provide for their own interests, while fulfilling their duty to their tenants, by taking in hand the repair of existing embankments and the construction of new ones with energy and systematically. Loans were offered for the purpose, and a sum of nearly half a lakh of rupees was so disbursed during the famine and expended upon tanks and embankments. The subject has already been discussed in the published reports of Government in connection with the famine operations, which, together with a copy of the circular referred to, can be laid upon the table if desired."

[*Babu Norendra Nath Sen; Mr. Bolton; the President.*]

KILLING OF MONKEYS IN THE PURI MUNICIPALITY.

The Hon'ble BABU NORENDRA NATH SEN said—

The Government is aware of the excitement caused among the ortho Hindu community in various parts of India by the action of the Puri M cipality in killing monkeys. That excitement has been allayed to some ex by the timely and wise intervention of Government, at whose instance slaughter has been suspended till further orders. Will the Government be pleased to state if it has arrived at any final decision in the matter?

The Hon'ble MR. BOLTON replied:—

"The Commissioner was desired to take steps to put a stop to slaughter of monkeys in the Puri Municipality, and did so. It does not ap that any further order from the Government is called for in the matter."

STATEMENT AS TO THE COURSE OF BUSINESS.

The Hon'ble THE PRESIDENT said:—"GENTLEMEN OF THE COUNCIL—Acc ing to custom I have to make to you a statement of the business before yo the present Session. There are at present no new Bills to be introdu The main duty in the Session will be the consideration in the Select C mittee of the Calcutta Municipal Bill. It will, I cannot conceal, be a and troublesome task. But questions that concern the Government of a g city can never be light, and the Committee will be encouraged in t labours by the importance of the work on which they will be engaged.

"There are questions in connection with this Bill on which I feel that I called upon to make a personal statement. Because, to the misfortune o Province, Sir Alexander Mackenzie no longer presides in this Council, I been challenged to give my personal opinion on the issue upon which an c whelming majority of this Council has already given its decision. Not ex upon the strongest and clearest grounds could I ask this Council to suspen vary its decision. But I am bound to say that after a patient and, I ven to think, an impartial examination, I am independently of the opinion that decision was right.

[*The President.*]

"The Corporation of Calcutta has under its present constitution assented to some great and far-reaching schemes of improvement for the City, and they are entitled to all the credit—and it is a high one—of realizing the value and necessity of the great schemes which have been drawn up for their approval, such as those for the drainage of the City, and the construction of the Harrison Road. They have not shrunk from the heavy taxation which was needed to bring these beneficent projects into effect; and I have myself had evidence of the high public spirit and laborious circumspection which many members of the Corporation bring to the discharge of their municipal duties. These are qualities which not in Calcutta alone have elicited my respect, and it is a pleasure to me to have this opportunity of acknowledging them.

"Nevertheless, it has also been my own experience, in even my limited time of office among you, that the judgment of Sir Henry Harrison on the constitution of the municipal government of Calcutta was right. No man has ever had such long and such favourable opportunities of judging it. No Chairman has ever wielded such an influence in the Corporation; no Chairman has ever been so much beloved or so much trusted; no Chairman's advice was ever so promptly and unhesitatingly accepted, and yet it was his judgment that under its present constitution there is a lack of motive power. The energies of the municipal government expend themselves in criticism and not in action. That opinion was confirmed in the experience of my predecessors. In my own period of office I have been compelled to admit its justice. In the administration of a great city there must be provision for prompt, steady, and efficacious action, and there is no room for doubt that reform of some sort is needed.

"The real issue is the shape which this reform shall take. The solution which Sir Alexander Mackenzie proposed, and which this Council has accepted, is that the executive body of the Corporation—its agents for all purposes of action—shall be a committee limited in numbers, in which the three great interests of the city shall be equally represented—the rate-payers, the men of commerce, and the Government. Under the name of the Government are gathered those great sections of the people—the Muhammadans for instance and the poor—who but for Government nomination may never be represented at all. Against this proposal the Select Committee of the Council will find that several protests have been presented. The most important of these is the memorial submitted by a meeting at the Town Hall. The gravamen of these protests is that the constitution of the

[*The President.*]

Executive Committee, as proposed in the Bill, is an infringement of the great principles of Local Self-Government. If it were so, the Bill would have had from me a most reluctant adhesion; but whatever may or may not be the demerits of the scheme, it most certainly cannot be alleged of it that it infringes in any way the principles of Self-Government. Self-Government is not circumscribed into one solitary and sacred system. Self-Government would cease to be a defensible method of Government, if it were refused permission to adjust itself to the lessons of experience. No Government is defensible which does not seek to amend and improve itself whenever weakness and inefficiency become apparent. From this essential law Self-Government is no more free than an autocracy. If Self Government in one form has proved unequal to the whole of the task imposed on it, that form must be varied.

"In the humdrum monotonous duties of every day, in duties, nevertheless, of such imperious necessity as the cleanliness of the city, the present constitution has not succeeded as we hoped. I am sorry to say it, but there is no shutting our eyes to that which is patent. We must try and improve it. I think the method which this Council has decided upon is a good one. It limits the members of the Executive where it was overgrown; it increases the share in the administration of the city of those great interests in the community which had been overborne by the single interest of the rate-payers; it keeps strictly within the lines which all the principles of Self-Government permit, and at the same time it has the great merit of clearly defining and distinguishing the functions and relations of the Corporation, the General Committee and the Chairman.

"Of course this is a reform which is unpalatable to the representatives of the rate-payers. They lose the predominance that they have been accustomed to, and we part with annoyance from anything to which we have been habituated. The change, moreover, does convey a slight. In all these feelings they have the sympathy of all of us. Had they been indolent, negligent, false to their duty, they could have had no sympathy. Their virtues have indeed been their vices, and a very excess of zeal has paralyzed their agents. But we should not be true to those very principles of Self-Government which are now said to be assailed; we should not be true to those very principles if we allowed our tenderness to these most natural feelings to hold us back from setting our house in order

when its defects have been pointed out. The end must otherwise indeed be that blow to Self-Goverment which I should be the last to wish to have a hand.

"In the criticisms on the Bill the Select Committee will further find the suggestion that the central body of the Corporation should be reduced in number and brought into harmony with the constitution of the General Committee. It is alleged that it is unscientific and illogical to leave the Corporation unchanged while you materially change your Executive Committee, and that the result is certain to be a constant friction. I am not concerned about the charge that the proposals are illogical and unscientific. The most scientific constitutions have not been the most successful in our knowledge. And I have no apprehensions of any injurious friction. At the commencement of all changes there is certain to be opposition and friction of sorts, but as soon as people become accustomed to the change, these temporary sorenesses vanish. It is from the representatives of the rate-payers alone that any friction could come, and they have shown so much good sense and public spirit in all the greater matters of the past, that I have entire confidence in their bearing in the future. And, speaking for myself, I endorse with the heartiest pleasure and satisfaction the decision that the constitution of the Corporation shall remain as it is. I look upon it as of the greatest value to the administration of the City that there should be numerous wards and numerous delegates. The information and advice about local needs, which these delegates bring, will be of most important service. There could be no more excellent illustration than in the assistance they gave last hot weather in calming the fears of the people and establishing the temporary hospitals, which were the best means of reassuring them. I welcome, therefore, personally the arrangement which retains a large number of local Counsellers, and the dangers of possible friction I personally regard as enormously outweighed by the certain advantages of their help.

"In the main lines of the Bill, therefore, my personal opinions are in complete accord with the decisions of this Council—decisions which have since received the support of such important bodies as the Chamber of Commerce, the British Indian Association, and the two leading Muhammadan Societies.

"The Committee will find, however, in many points of detail very valuable and important suggestions in the criticisms that have been presented during the last few months. I will not take up the time of the Council at present by

[*The President.*]

entering into any examination of these opinions. But there are two matters on which I think I may with propriety now state the opinion of the Government. I have already referred to the memorial from the Town Hall Meeting. I read it, and the speeches at the meeting itself, with the careful attention which it was my duty to give to them. The speeches, if I may say so, were not comparable, in practical knowledge and dialectic skill, to those which were delivered in this Council room by my Hon'ble colleagues, Babu Norendra Nath Sen and Babu Surendranath Banerjee. Those speeches I had not the pleasure of hearing, but I have read them with equal attention to those in the Town Hall. There are, however, two points made in the memorial which I think are perfectly reasonable and to which the Government will give a ready assent. The first is that the duty of sanctioning the bye-laws shall be given to the Corporation instead of to the General Committee. This is just one of those legislative functions—determination of the general lines of the administration—which eminently fall within the jurisdiction of the Corporation. There will, no doubt, be greater delay in fixing the form and character of these bye-laws, but it is well that they should be framed with the most thorough consideration, and the Government willingly agree to this modification.

"The second is that the General Committee shall not exceed the budget allotment on any project without the express sanction of the Corporation, unless within reasonable limits by way of re-appropriation. This again I think is reasonable. I have been warned that, at least so long as friction lasts, the Corporation may hamper its Executive by assigning inadequate funds for necessary undertakings. I decline to believe this is possible. I have too much faith, as I have already said, in the commonsense and patriotic feeling of the leaders of the representatives. Should there happen to be a difference of opinion between the Corporation and the General Committee on a question of the kind, I have no doubt that a reference will be made to the Government, as the Bill itself provides, and its impartial decision will close the matter.

"The chapter on the registration of deaths was avowedly tentative and will require very careful examination, and there are numerous details on which the Select Committee will be able to make improvements.

"With these observations I commend the arduous duty to the Committee. The result of it we await with much interest and entire confidence. I am

[*The President; Mr. Bolton.*]

persuaded that they will endeavour to complete their conclusions with as little delay as is consistent with a thorough examination of the criticisms and suggestions offered by the public bodies we have consulted. It is obvious that it is of great importance to the City that we should settle this matter as early as possible."

CALCUTTA MUNICIPAL BILL.

The Hon'ble MR. BOLTON moved that the Hon'ble MR. BAKER be added to the Select Committee on the Calcutta Municipal Bill.

The Motion was put and agreed to.

The Council adjourned to Saturday, the 17th December, 1898.

CALCUTTA;
The 28th November, 1898.

F. G. WIGLEY,
Offg. Asst. Secy. to the Govt. of Bengal,
Legislative Dept.

Reg. No. 643G—300—29-11-98.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 17th December, 1898.

Present:

The Hon'ble SIR JOHN WOODBURN, K.C.S.I., Lieutenant-Governor of Bengal, *presiding.*
The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General of Bengal.
The Hon'ble RAI DURGA GATI BANERJEA, BAHADUR, C.I.E.
The Hon'ble NAWAB BAHADUR SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble W. B. OLDHAM, C.I.E.
The Hon'ble R. B. BUCKLEY.
The Hon'ble C. W. BOLTON, C.S.I.
The Hon'ble E. N. BAKER.
The Hon'ble SAHIBZADA MAHOMED BAKHTYAR SHAH, C.I.E.
The Hon'ble M. C. TURNER.
The Hon'ble NORENDRA NATH SEN.
The Hon'ble SALIGRAM SINGH.
The Hon'ble KALI CHARAN BANERJEE.
The Hon'ble SURENDRANATH BANERJEE.
The Hon'ble JATRA MOHAN SEN.
The Hon'ble T. W. SPINK.
The Hon'ble RAJA SHASHI SHAKHARESWAR ROY BAHADUR, of Tahirpur.

The Hon'ble THE PRESIDENT said:—" Gentlemen of the Council, as I arrived at the Council Chamber this morning I received the grievous news of the death of our eminent colleague the Maharajah of Darbhanga last night. His death has created a great loss to the country and to the Government, and I feel sure that the sense of the Council will be with me when I propose out of respect to his memory that the Council be adjourned. If that is the sense of the Council we shall meet again on Wednesday next, the 21st instant."

The Council was adjourned to Wednesday the 21st instant.

CALCUTTA;
The 27th December, 1898.

F. G. WIGLEY,
Offg. Asst. Secy. to the Govt. of Bengal, Legislative Department.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

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The Hon'ble NORENDRA NATH SEN.

The Hon'ble SALIGRAM SINGH.

The Hon'ble KALI CHARAN BANERJEE.

The Hon'ble SURENDRANATH BANERJEE.

The Hon'ble JATRA MOHAN SEN.

The Hon'ble T. W. SPINK.

The Hon'ble RAJA SHASHI SHAKHARESWAR ROY BAHADUR, of Tahirpur.

CONSTRUCTION OF AN EMBANKMENT AT KUTUBDIA.

The Hon'ble BABU NORENDRA NATH SEN asked—

Has the attention of the Government been drawn to the statement, contained in the *Sansodhini* newspaper of Chittagong of the 5th October last, and the *Bengalee* of the 22nd idem, that public money has been wasted in the construction of the embankment at Kutubdia, in the district of Chittagong? Will the Government be pleased to lay on the table the correspondence that passed between the Port Officer of Chittagong, the Commissioner of the Division, and the Collector of Chittagong on the subject and to direct a sifting enquiry into the matter?

On behalf of the Hon'ble MR. BUCKLEY, who was unavoidably absent, the Hon'ble MR. BAKER replied as follows:—

"There are no grounds for supposing that there has been a waste of public money in the construction of the embankment in Kutubdia in the district of Chittagong, so far as the information now before Government shows. The correspondence alluded to in the *Bengalee* newspaper has not yet reached Government, and therefore a further answer to this question will be given at another meeting of Council."

EXPENDITURE ON PRIMARY AND SECONDARY EDUCATION.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Has the attention of the Government been drawn to the fact that the expenditure on education by the District Boards in Bengal has, instead of keeping pace with the increasing demand for education, decreased from Rs. 12,26,642 in 1895-96 to Rs. 12,02,447 in 1896-97, and that while the number of pupils in schools aided by the District Boards has increased from 913,072 to 925,854, the number of schools has decreased from 34,391 to 33,267?

Will the Government be pleased to state the net expenditure provided by Government on primary and secondary education in 1888-89 since maintained by the District Boards and the expenditure incurred by the District Boards in 1897-98?

Has the expenditure in the opinion of the Government been commensurate with the increased demand for education during the last ten years? If not, will the Government be pleased to take such steps as may be deemed necessary to remedy this state of things?

(*b*) Is it a fact that the net expenditure on education, primary and secondary, has decreased since 1888-89 in the districts of the Presidency Division?

Is it the case that the District Board of Khulna was obliged to reduce its education budget estimate for 1897-98 from Rs. 34,292, originally budgetted, to Rs. 29,681 under the pressure of the Divisional Commissioner and under protest, and that finally the sum was still further reduced by about Rs. 1,200 at the instance of the Chairman of the Board, the amount thus falling short of the sum received by the Board to be spent on education in 1888-89?

Is it a fact that all the districts of the Presidency Division, specially those of Jessore and Krishnagar, were similarly obliged to modify their budget estimates for 1897-98? If so, will the Government state how the reduction has affected the educational status of the Division?

The Hon'ble MR. BAKER replied:—

"(*a*) The figures quoted in the first part of the question were, no doubt, taken from the Resolution recorded by the Officiating Lieutenant-Governor on the working of District Boards during 1896-97, and are correct. Table III appended to this Resolution from which the figures of expenditure on education were taken, shows that, during the year in question, District Boards incurred expenditure amounting to Rs. 2,86,990 on Famine Relief, whereas the corresponding expenditure during the previous year was only Rs. 664.

"With reference to the second part of the question, the charges transferred to District Boards in 1888-89 on account of primary and secondary education amounted to Rs. 10,10,665, of which Rs. 5,91,360 were on account of primary education. In 1897-98, the educational expenditure of District Boards amounted to Rs. 12,00,665, representing an increase of very nearly 19 per cent. in ten years, notwithstanding that the year 1897-98 was one in which the resources of District Boards were affected by the payment of charges on account of Famine Relief.

"With reference to the third part of the question, the Lieutenant-Governor is of opinion that an increase of expenditure from public funds which amounts to nearly 20 per cent. in 10 years is not incommensurate with the reasonable requirements of the Province. It is not possible to make larger provision for education from the present resources of District Boards, or of the Government; and if a more rapid rate of increase should be found necessary, the requisite funds can only be provided by means of additional local taxation.

"(*b*) The expenditure on education incurred by the District Boards of the Presidency Division in 1888-89 was Rs. 1,56,249. In 1897-98 it was Rs. 1,53,567, being a small decrease of Rs. 2,682, due to the prevalence of scarcity. The expenditure in the three previous years was—

	Rs.
1894-95	1,63,820
1895-96	1,64,418
1896-97	1,64,893

Government has received no information regarding the reduction of the education budget estimates of the Khulna District Board for 1897-98.

"With regard to the districts of Nadia and Jessore, enquiries have been made partly with reference to a question asked in Council on the 16th January, 1897, by the Hon'ble Member, and partly with reference to a communication received from the Director of Public Instruction. The matter was considered by Government, and orders were communicated to the Commissioner of the Presidency Division in March last. The substance of the orders was that as a matter of expediency, and quite apart from any legal obligation, it is desirable that, as a general rule, an amount approximately equal to the proceeds of the road cess in each district should be devoted to the objects which the Legislature had in view when Bengal Act IX of 1880 was passed. The following instructions were also issued for the guidance of the Commissioner in giving effect to the general policy of restricting expenditure of cess funds to cess purposes:—

(*a*) Action should be taken gradually, and not *per saltum*.

(*b*) In determining what heads of expenditure should be reduced, those schools which give education to the classes which can afford to pay for it, or, in other words, that kind of education which may fairly be deemed an investment, should be the first to undergo retrenchment.

(*c*) Primary education and medical expenditure should be regarded as having priority of claim over schools coming into the above category (*b*).

(*d*) The inspecting staff should be maintained or reduced only in proportion to reductions effected in the number of schools to be inspected.

(*e*) It should be presumed that Government will not be prepared to make any fresh grants from Provincial revenues.

"The Lieutenant-Governor has no reason to believe that these orders have prejudicially affected the educational status of the Presidency Division."

PLAGUE IN THE DISTRICT OF BACKERGUNGE.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the attention of the Government been called to the suspected cases of plague which occurred in the village of Siddhakati, in the district of

Backergunge, and the self-denying labours of Mr. Beatson-Bell, the Magistrate, who is reported to have himself sometimes burnt the dead bodies of the suspected plague patients when deserted by their relatives and friends, and who by his tact, judgment, and energy inspired the people with confidence? Are these reports regarding the Magistrate correct? If so, in what way does the Government propose to recognize his services in this respect?

The Hon'ble MR. BAKER replied:—

"It is the case that a small but virulent outbreak of plague occurred in the villages of Siddhakati and Abhoynil, in thana Nalchiti of the Backergunge district in September last: and that in all 11 persons were attacked by the disease, all of whom died between the 4th September and the 23rd idem. Enquiries that have been made have established that the infection was imported from Calcutta by Girija Prasanna Roy, a pleader and zamindar of Siddhakati, who, with some members of his family and a servant, left Calcutta on the 30th August and reached Siddhakati on the 31st, and were attacked by the disease almost immediately afterwards.

"The nature of the locality was favourable to the ready segregation of infected houses, and the disease was stamped out in about a fortnight, no case having occurred after the 23rd September. The residents themselves arranged to burn down huts in which cases occurred, and also spontaneously established a system of isolating the families of patients. They are reported by the local officers to have been greatly alarmed at the outbreak, but to have acted in a very reasonable spirit, co-operating with the district authorities in their efforts to check the disease.

"The reports received by Government show that Mr. Beatson-Bell, the Magistrate, showed the greatest courage, promptitude and judgment in dealing with the outbreak. It is true, as stated in the question, that he and also the Commissioner, Mr. Savage, assisted in removing and cremating the bodies of the dead, when their relations had deserted them through fear or were unable to dispose of them unaided. The Lieutenant-Governor sent to both officers at the time an expression of his warm appreciation of their services."

CONSTRUCTION OF AN EMBANKMENT AT KUTUBDIA.

The Hon'ble BABU JATRA MOHAN SEN said—

I beg to draw the attention of Government to the statements contained in the *Bengalee* of the 22nd October last, in an article headed the "Chittagong

affairs" as to the waste of public money in the construction of the embankment at Kutubdia in the district of Chittagong.

Will the Government be pleased to direct an enquiry into all the matters raised in the said article of the *Bengalee* as to the waste of public money in the construction of the said embankment and the causes leading thereto; and place on the table the correspondence said to have passed between the Commissioner of the Chittagong Division, the Collector of Chittagong, and other officers concerned in connection with the construction of the said embankment.

The Hon'ble MR. BAKER said—

This question covers the same ground as the question asked by the Hon'ble Babu Norendra Nath Sen, and the reply to it is the same as that which I gave to that Hon'ble Member.

THE BENGAL GENERAL CLAUSES BILL, 1898.

The Hon'ble SIR CHARLES PAUL presented the Report of the Select Committee on the Bill for further shortening the language used in Bengal Acts and for other purposes, and moved that the Report be taken into consideration. He said:—

"I need scarcely say more than what I said on a previous occasion, but I may add that this is a technical Bill as will appear from its contents. I now move that the Report be taken into consideration. I do not think there are any amendments to be moved. The Select Committee very carefully went through all the suggestions made by various gentlemen who wrote on the subject, and as far as I am able to judge the Bill seems to be as correct as we could possibly make it, and as there seems to be no difference of opinion, I think the Bill may be passed."

The Motion was put and agreed to.

The Hon'ble SIR CHARLES PAUL also moved that the Bill, as amended by the Select Committee, be passed.

The Motion was put and agreed to.

The Council was adjourned to a date to be subsequently notified.

CALCUTTA;
The 30th December, 1898.

F. G. WIGLEY,
Offg. Asst. Secy. to the Govt. of Bengal,
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Reg. No. 758G—300—31-12-98.